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SERIES I No. 19

OFFICIAL GOVERNMENT OF GOA GAZETTE



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NOTE

There are two Extraordinary issues to the Official Gazette, Series I No. 18 dated 2-8-2018 namely:-

(1) Extraordinary dated 6-8-2018 from pages 1035 to 1036 from Department of Finance (Revenue & Control Division) Not. No. 38/1/2017-Fin(R&C)(22/2018-Rate) regarding amendment of the Goa Goods and Services Tax Act, 2017 and Not. No. 38/1/2017-Fin(R&C)(65) regarding the procedure for registration for GSTIN.

(2) Extraordinary (No. 2) dated 8-8-2018 from pages 1037 to 1046 from Legislature Secretariat regarding introduction of Bills No. 8 and 9 & from Department of Law, Not. No. 7/3/2018-LA and 7/4/2018-LA regarding the Goa Appropriation (No. 2) Act, 2018 and the Goa Appropriation (No. 3) Act, 2018 respectively.

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GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Art & Culture

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Notification

DAC/COMPCELL/10-Schemes/2018-19

Sub.: New notification of the scheme.

Read: (1) "The Cultural Talent Search Competition & Scholarship Scheme", published in the Official Gazette, Series I No. 13 dated 28-06-2012 and Series I No. 7 dated 19-05-2016.

And whereas Government desires to modify old scheme and notify new scheme with necessary amendments.

Now, therefore the new scheme "The Cultural Talent Search Competition and Scholarship Scheme" is notified as under:-

The Government of Goa is pleased to frame the following scheme:

1. *Short title and commencement.*— (i) This scheme shall be called "The Cultural Talent Search Competition and Scholarship Scheme".

(ii) This scheme shall come into force from the date of its publication in the Official Gazette and shall remain in force up to 31st March, 2021.

2. *Introduction.*— The scheme envisages organization of cultural talent search competition for the Government/Non-Government, Middle/High school students in Music/Dance/Drama (Monologue)/Drawing/Painting/Poem Writing/Essay writing/Handwriting and providing scholarships to the 1st prize winners at State level in each field for developing their talent. The competition shall be held initially at Taluka level in each district and the first three rank holders in each event at Taluka level shall be eligible for the State level competition. The students securing first prize at the State level competition in each event shall be eligible for the grant of scholarship subject to clause 4(ii). The department shall appoint jury for each event at Taluka and State level to judge the performances and the decision of the jury shall be final and binding on all the participants.

3. *Objectives.*— The main objective of the scheme is to find talented young students in the State and encourage them to develop their talent in the field of Music/Dance/Drama (Monologue)/Drawing/Painting/Poem Writing/Essay writing/Handwriting under proper guidance of a reputed artist (guru), by providing financial support to the students in the form of scholarship for availing basic or advanced education in any field of art and culture.

4. *Eligibility.*— Any student fulfilling the following conditions shall be eligible to participate in the talent search competition and avail the benefit under the scheme.

(i) The student should be enrolled in a recognized Government/Government aided institution in the State of Goa and shall participate in the cultural talent search competition organized by the Directorate of Art & Culture.

(ii) The student who secures first prize in the talent search competition at the State level in the event and intends to seek basic or advanced education in Music/Dance/Drama (Monologue)/Drawing/Painting/Poem Writing/Essay writing/Handwriting from guru/institution shall be eligible for scholarship under the scheme.

(iii) The students who have secured the 1st prize in the competition will not be allowed to participate in that field of competition again however, he may compete for other events if the school nominates. The 2nd and/or 3rd prize in the talent search competition held earlier at the State level shall also be eligible to participate in the subsequent editions of the talent competitions. However in the event of such a student securing first prize, shall not be eligible for an additional scholarship.

(iv) The students receiving scholarship from any other Government or non-Government bodies towards similar training shall not be eligible scholarship under this scheme.

5. *Nature and quantum of assistance.*— (i) The students who participate in the cultural talent search competition at Taluka levels and secure top three prizes in the events shall be awarded a prize of Rs. 1,500/-, Rs. 1,200/-, and Rs. 1,000/- respectively along with a certificate.

(ii) The eligible students securing top three prizes at the State level in the cultural talent scheme competition shall be awarded a prize of Rs. 3,000/-, Rs. 2,000/- and Rs. 1,500/- respectively along with a certificate.

(iii) The eligible students securing 1st prize in the cultural talent search at the State level competition shall be eligible for the scholarship at Rs. 2000/- p.m. (Rupees two thousand only) to acquire basic or advanced education in any field of Music/Dance/Drama (Monologue)/Drawing/Painting/Poem Writing/Essay writing/Handwriting from a recognized guru/institution.

(iv) The scholarship awarded under the scheme shall be initially for a period of two years; however, the progress of the student shall be assessed by the department directly from guru/institution every six months and if satisfied with the progress of the student, the scholarship period shall be further extended for one year.

6. *Application procedure.*— (i) The Directorate of Art and Culture shall release an advertisement/press note in the local newspapers regarding the organization of the Cultural Talent Search Competition for the student enrolled in recognized schools. Also a circular will be issued to the schools in this regard.

(ii) The school shall furnish the names of interested eligible students to participate in the talent contest at taluka level. Those students who secure first three ranks at the Taluka level in each event shall automatically be eligible for the State level competition and the 1st rank holder at State level shall be eligible for grants of scholarship, subject to the provisions made under clause 4(ii) and 5.

(iii) An individual school shall be eligible to participate in all the events, however only three entries in each individual event shall be accepted from each school.

(iv) The parent/guardian of students who secured 1st prize in the State level competition shall submit the application for grant of scholarship in prescribed format after necessary recommendation from the guru/institution where the student will be receiving basic or advanced education in the field of Music/Dance/Drama(Monologue)/Drawing/Painting/Poem Writing/Essay writing/Handwriting.

7. *Other conditions.*— (i) No student shall be allowed to participate in more than one individual event.

(ii) For all events participants shall use live music except in the case of Bharatnatyam and

Kathak classical dance events wherein the participants shall be allowed to use recorded music.

(iii) The participants shall use instruments like Harmonium, Tabla, Tanpura, Bongo, Keyboard, Violin, Guitar etc. The concerned individual school shall arrange for the instruments and the accompanists.

(iv) Minimum 5 entries in each event are required for holding the competition at Taluka and State level.

(v) The participating schools shall be eligible for incidental charges depending upon the distance travelled.

(vi) The State level competition will have a "jury round" for the participant winners of Taluka level event.

8. *Disbursement procedure.*— (i) The students securing prize at the Taluka and State level shall be awarded prizes against proper receipt. From the year 2011-12 the cultural talent competition will be held under one category only and as such the number of winner will be 26.

(ii) The scholarship shall be released from the date of 1st report and on receipt of proper certificate from the concerned guru/institution about the student.

(iii) The payment of the scholarship shall be made to the parent/guardian of the scholarship holder who shall be responsible to pay the approved tuition fee to the concerned guru/institution and take necessary receipt for the same and submit the same to this directorate. A bond in this regard shall be executed by the gurus/institutions and the parent/guardian of the awardees.

(iv) The guru/institution under whom the scholarship holder is receiving the basic or advanced education in any field of Music/Dance/Drama(Monologue)/Drawing/Painting/

/Poem Writing/Essay writing/Handwriting shall have to furnish the details of the progress report of the concerned student every six months to this directorate for evaluation.

(v) The student shall be required to appear for the examination conducted by the approved institutions and the gurus from time to time.

(vi) In the event if the scholarship holder discontinues the basic or advanced education in any field of music/drama/dance/before the expiry of the period of the scholarship without prior permission of the department, the scholarship sanctioned to the concerned students shall be cancelled and the full amount of the scholarship sanctioned shall be recovered from the parent/guardian of the concerned student.

(vii) The applicant shall submit the attendance certificate duly certified by the Guru or Head of the Institution every month to the department.

9. *Categories of events.*— The competitions will be held in following events in solo category only.

(A) INDIAN CLASSICAL MUSIC AND INSTRUMENT

(i) *Vocal:*

(a) Classical: Chota Khyal/Bandish with Alaap and Tana in any raga in Madhya/Drut Laya.

(b) Light Music: Thumri, Natyageet, Bakhtigeet, Bhavageet or any song based on semi-classical.

(ii) *Instruments:*

(a) Harmonium: (Gat in Madhya/Drut Laya with Alap and Tana in any Raga).

(b) Tabla: (Kayada in any Tala with Tukra and Tehai.)

(c) Sitar: (Alankar/Chota khyal (Bandish) Razakhani).

(B) WESTERN CLASSICAL MUSIC AND INSTRUMENT

(i) *Vocal:* Western Singing
(a) Classical Piece
(b) Pop Song
(c) Cantaram

(ii) *Instruments:* (Classical)

(a) Violin: 3 pieces from Trinity/Royal College of London
(b) Guitar: 3 pieces of classical Guitar/ Plectrum Guitar
(c) Key-Board: 3 pieces of from Trinity/ Royal College of London
(d) Drums: Different style of Rhythm, Waltz, Swing, Cha-Cha-Cha/Samba

(C) DANCE:

(a) Kathak: Tatkar, Toda, Paran and Tehai (in any one Tala).
(b) Bharatnatyam: Alaaripu, Pushpanjali, Kauthukam, Jatiswaram Padam, Shabdham, Tillana, Kirtanam (any one item).

(D) DRAMA: Monologue.

(E) PAINTING/DRAWING:

The theme will be given on the spot.

The drawing paper will be provided by the department. The participants should bring the drawing material and use only water colour.

(F) POEM WRITING:

(a) Konkani
(b) Marathi
(c) Hindi
(d) English

The theme will be given on the spot. The paper will be provided by the department for writing the poem.

(G) ESSAY WRITING:

- (a) Konkani
- (b) Marathi
- (c) Hindi
- (d) English

The theme will be given on the spot. The paper will be provided by the department for writing the Essay.

(H) HANDWRITING

- (a) Devnagari (Konkani, Marathi, Hindi)
- (b) English

The text/write up and paper will be given on the spot. Participants shall use only fountain ink pen.

10. Framing of guidelines:

For better implementation of this scheme the Government shall frame guidelines from time to time, if required.

11. Relaxation:

The Government is empowered to relax all or any of the clause provided in this scheme, if found deemed fit, for reasons to be recorded.

12. Interpretation:

The decision regarding interpretation of any clause, word, expression or entire scheme shall lie with the Government.

13. Redressal of grievances:

In the event of any grievance arising out of implementation of this scheme, the Minister for Art & Culture shall hear and decide such matter and the decision of the Minister for Art & Culture in this regard shall be final and binding on all concerned.

This has been issued with the concurrence of Finance Department vide their U. O. No. 1909/F dated 18-07-2018.

The earlier notification hereby stands repealed.

By order and in the name of the Governor of Goa.

Gurudas P. Pilarnekar, Director and ex officio Joint Secretary (Art and Culture).

Panaji, 1st August, 2018.



Goa Legislature Secretariat

LA/LEGN/2018/1087

The Report of the Select Committee on the Goa Requisition and Acquisition of Property Bill, 2018 which was presented to the House on 27th July, 2018 is hereby published for general information in pursuance of Rule-231 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.



SEVENTH LEGISLATIVE ASSEMBLY OF
THE STATE OF GOA

REPORT OF THE

SELECT COMMITTEE ON THE GOA
REQUISITION AND ACQUISITION
OF PROPERTY BILL, 2017

Presented to the House on 27th July, 2018

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL
PORVORIM, GOA

COMPOSITION OF
THE SELECT COMMITTEE ON THE GOA REQUISITION AND ACQUISITION OF PROPERTY
BILL, 2017

CHAIRMAN

Shri Rohan Khaunte, Minister for Revenue

MEMBERS

(1) Shri Pratapsingh Rane, MLA	Member
(2) Shri Filipe Nery Rodrigues, MLA	Member
(3) Shri Aleixo R. Lourenco, MLA	Member
(4) Shri Nilesch Cabral, MLA	Member
(5) Shri Carlos Almeida, MLA	Member
(6) Shri Prasad Gaonkar, MLA	Member
(7) Smt. Alina Saldanha, MLA	Member

LEGISLATURE SECRETARIAT

(1) Shri N. B. Subhedar	Secretary, Legislature
(2) Shri H. F. Noronha	Under Secretary
(3) Shri Mohan Gaonkar	Section Officer

INTRODUCTION

I, the Chairman of the Select Committee on the Goa Requisition and Acquisition of Property Bill, 2017 (Bill No. 18 of 2017), having been authorized by the Committee to present this Report, do present to the Goa Legislative Assembly.

2. The Committee would like to place on records its deep appreciation of hard work done by the Secretary and staff of the Legislature Secretariat and the cooperation rendered to it by the Secretaries and staff of the Department of Revenue and Law Department for ably assisting the Committee in the discharge of its work.

PORVORIM, GOA.
27th JULY, 2018.

SHRI ROHAN KHAUNTE
(HON. MINISTER FOR REVENUE)
CHAIRMAN

REPORT OF THE SELECT COMMITTEE

I, the chairman of the Select Committee to which the Bill No. 18 of 2017—The Goa Requisition and Acquisition of Property Bill, 2017 was referred having being authorized by the Committee to submit the report on its behalf present its report as recommended by the Committee.

The Bill was introduced in the Seventh Legislature Assembly of Goa on 03-08-2017 and during the considered stage on 07-08-2017 was referred to Select Committee comprising of the following members:—

- (1) Shri Rohan Khaunte, Minister for Revenue
- (2) Shri Pratapsingh Rane, Member
- (3) Shri Aleixo R. Lourenco, Member
- (4) Shri Filipe Nery Rodrigues, Member
- (5) Shri Nilesch Cabral, Member
- (6) Shri Carlos Almeida, Member
- (7) Shri Prasad Gaonkar, Member
- (8) Smt. Alina Saldanha, Member

Accordingly the first meeting of the Committee was held on 30th October, 2017 in which the Chairman informed the members of the Committee the basic aim of the discussion is that acquisition is defined by various acts of the Centre and also in the State. Requisition and Acquisition Acts are force in Central as well as State for the requisition and speedy acquisition of property for the purpose of the State.

Committee further decided to invite the objections/suggestions as from the concerned Select Committee Members only as per the format circulated to Members in the meeting held on 30th October, 2017 and has to be submitted by 10th November 2017.

Committee during its sitting held on 5th February 2018, discuss the objections/suggestions received from S/Shri Pratapsingh Rane, Shri Aleixo Reginaldo Lourenco, Shri Filipe Nery Rodrigues and Smt. Alina Saldhana in details as per verbatim, may be seen at **Annexure II** and also a Note dated 09-07-2018 as submitted in addition and is circulated to the all the Members of the Committee may be seen at **Annexure III**, wherein it is given the detail explanation to queries/objections raised by the members which may be seen at **Annexure I**.

Committee addressed the issues raised by the members who had apprehension on the manner of acquisition and the purpose for the same.

Chairman explained the committee members about requisitions and acquisition process, stating that requisition is of taking the property for the requirement and the acquisition process whatever, requisition time limit is 15 years, within 15 years if acquisition does not take place by the Government the property goes back to the property owner. So it is the onus of the Government who takes it on requisition who is paying a particular price to the Landlord who is getting the fees irrespectively and acquisition amount and other things which need to be paid if Government acquires requisition property, otherwise the acquisition of the property reverted back to the owner.

The Committee decided to amend to the definition of “public purpose” as defined in the clause 2(m) which may be seen at **Annexure-IV**. Accordingly the said clause was drafted by the Law Department may be seen at **Annexure-V**

The Committee held its sittings on 30th October, 2017, 5th February, 2018, 4th July, 2018, 11th July, 2018 and 17th July, 2018 to examine the Bill in detailed. The minutes of the sittings of the Select Committee may be seen from **Appendices-I to V**.

The report of the Select Committee considered and adopted by the Chairman and all others Seven Members of the Committee unanimously in the meeting held on 17th July, 2018.

Dated: 17th July, 2018.

Shri Rohan Khaunte
Minister for Revenue
CHAIRMAN
Select Committee on the
Goa Requisition and
Acquisition of Property Bill, 2017.

APPENDIX- I

MINUTES OF THE MEETING OF THE SELECT COMMITTEE ON BILL No. 18 OF 2017 THE GOA REQUISITION AND ACQUISITION OF PROPERTY BILL, 2017 HELD ON 30-10-2017

The Preliminary meeting of the Select Committee on the Goa Requisition and Acquisition of Property Bill, 2017 was held on 30th October, 2017, at 3.00 pm in Committee Room, Assembly Complex, Porvorim.

2. The following were present:-

CHAIRMAN

Shri Rohan Khaunte, Minister for Revenue

MEMBERS

(1) Shri Pratapsingh Rane, MLA	Member
(2) Shri Filipe Nery Rodrigues, MLA	Member
(3) Shri Carlos Almeida, MLA	Member
(4) Smt. Alina Saldanha, MLA	Member

LEGISLATURE SECRETARIAT

(1) Shri N. B. Subhedar	Secretary, Legislature
(2) Shri H. F. Noronha	Under Secretary
(3) Shri Mohan Gaonkar	Section Officer

GOVERNMENT OFFICERS

(1) Shri S. G. Marathe	Additional Secretary, Law
(2) Shri D. R. Dessai	Under Secretary, Law
(3) Shri Sudin A. Natu	Under Secretary, Revenue

3. The Committee examined the Bill, the Goa Requisition and Acquisition of Property Bill, 2017 and compared it with a similar Bill, The Kerala Requisitioning and Acquisition of Property Act, 1981 passed by the Kerala Legislative Assembly.

4. Comments/Suggestions were invited from among the members of the Select Committee only so as to reach the Chairman by the 10th of November, 2017.

5. After the 10th of November the Committee will decide on further course of action to be adopted relating to the Bill.

The meeting thereafter adjourned at 4.30 p.m.

APPENDIX- II

MINUTES OF THE MEETING OF THE SELECT COMMITTEE ON BILL NO. 18 OF 2017 THE GOA REQUISITION AND ACQUISITION OF PROPERTY BILL, 2017 ON 5-2-2018

The meeting of the Select Committee on the Goa Requisition and Acquisition of Property Bill, 2017 was held on 5TH February, 2018, at 11.00 a.m. in Committee Room, Assembly Complex, Porvorim.

2. The following were present:-

CHAIRMAN

Shri Rohan Khaunte, Minister for Revenue.

MEMBERS

(1) Shri Pratapsingh Rane, MLA	Member
(2) Shri Filipe Nery Rodrigues, MLA	Member
(3) Shri Aleixo R. Lourenco, MLA	Member
(4) Smt. Alina Saldanha, MLA	Member

LEGISLATURE SECRETARIAT

(1) Shri N. B. Subhedar	Secretary, Legislature
(2) Shri H. F. Noronha	Under Secretary
(3) Shri Mohan Gaonkar	Section Officer

GOVERNMENT OFFICERS

- | | |
|-------------------------|---------------------------|
| (1) Shri S. G. Marathe | Additional Secretary, Law |
| (2) Shri. D. R. Dessai | Under Secretary, Law |
| (3) Shri. Sudin A. Natu | Under Secretary, Revenue |

3. The Committee addressed the issues raised by the members who had apprehension on the manner of acquisitions and the purpose for the same and the same was referred with legal validity of the objection raised by the members by the Additional Secretary (Law).

4. The Committee also addressed the misgivings on compensation to be provided for acquisition to be carried out by the Government.

5. The Committee decided that as all apprehensions have been addressed there is no need for any changes in the Bill to be introduced in the House.

6. The Committee declared that the draft Report of the Committee be prepared and placed before the Committee at its next meeting.

The meeting thereafter adjourned at 12.44 p.m.

APPENDIX— III

MINUTES OF THE MEETING OF THE SELECT COMMITTEE ON BILL NO. 18 OF 2017 THE GOA
REQUISITION AND ACQUISITION OF PROPERTY BILL, 2017 ON 4-7-2018

The meeting of the Select Committee on the Goa Requisition and Acquisition of Property Bill, 2017 was held on 4TH July, 2018, at 11.00 a.m. in Committee Room, Assembly Complex, Porvorim.

2. The following were present:—

CHAIRMAN

Shri Rohan Khaunte, Minister for Revenue

MEMBERS

- | | |
|---|--------|
| (1) Shri Pratapsingh Rane, MLA | Member |
| (2) Shri Filipe Nery Rodrigues, MLA | Member |
| (3) Shri Aleixo R. Lourenco, MLA | Member |
| (4) Smt. Alina Saldanha, MLA | Member |

LEGISLATURE SECRETARIAT

- | | |
|-------------------------|------------------------|
| (1) Shri N. B. Subhedar | Secretary, Legislature |
| (2) Shri H. F. Noronha | Under Secretary |
| (3) Shri Mohan Gaonkar | Section Officer |

GOVERNMENT OFFICERS

- | | |
|------------------------|---------------------------|
| (1) Smt. Nila Mohanan | Secretary, Revenue |
| (2) Shri S. G. Marathe | Additional Secretary, Law |
| (3) Shri Sudin A. Natu | Under Secretary, Revenue |

3. The Committee approved the minutes of the meeting of the Committee held on 5th February, 2018.

4. the Committee decided that a draft of the report on the Bill be prepared and be placed before it at its next meeting.

5. The Committee decided that its next meeting be fixed on 10th July, 2018 at 4.00 p.m. to consider the draft report.

The meeting thereafter adjourned at 12.44 p.m.

APPENDIX—IV

MINUTES OF THE MEETING OF THE SELECT COMMITTEE ON BILL No. 18 OF 2017 THE GOA
REQUISITION AND ACQUISITION OF PROPERTY BILL, 2017 ON 11-7-2018

The meeting of the Select Committee on the Goa Requisition and Acquisition of Property Bill, 2017 was held on 11th July, 2018, at 4.00 p.m. in Committee Room, Assembly Complex, Porvorim.

2. The following were present:—

CHAIRMAN

Shri Rohan Khaunte, Minister for Revenue

MEMBERS

(1) Shri Pratapsingh Rane, MLA	Member
(2) Shri Filipe Nery Rodrigues, MLA	Member
(3) Shri Aleixo R. Lourenco, MLA	Member
(4) Smt. Alina Saldanha, MLA	Member

LEGISLATURE SECRETARIAT

(1) Shri N. B. Subhedar	Secretary, Legislature
(2) Shri H. F. Noronha	Under Secretary
(3) Shri Mohan Gaonkar	Section Officer

GOVERNMENT OFFICERS

(1) Shri Dharmendra Sharma	Chief Secretary/Secretary Law
(2) Shri S. G. Marathe	Additional Secretary, Law
(3) Shri Sudin A. Natu	Under Secretary, Revenue

3. The Committee member again raised same apprehension on some of the provisions of the Bill.

4. The Committee member stated that would like to seek further clarifications on some of the provisions specially those relating to acquisition, compensation and public purpose.

5. It was decided that the Members be given time up till 11.00 a.m. on Monday 16th July to forward their queries, objections/suggestions to the Committee.

6. Smt. Alina Saldanha, MLA forwarded a letter on her objections which was taken on record.

7. The Committee decided to have its next meeting on 17-7-2018 at 4.00 p.m.

The meeting thereafter adjourned at 5.00 p.m.

APPENDIX—V

MINUTES OF THE MEETING OF THE SELECT COMMITTEE ON BILL No. 18 OF 2017 THE GOA
REQUISITION AND ACQUISITION OF PROPERTY BILL, 2017 ON 17-7-2018

The meeting of the Select Committee on the Goa Requisition and Acquisition of Property Bill, 2017 was held on 17TH July, 2018, at 4.00 p.m. in Committee Room, Assembly Complex, Porvorim.

2. The following were present:—

CHAIRMAN

Shri Rohan Khaunte, Minister for Revenue

MEMBERS

(1) Shri Pratapsingh Rane, MLA	Member
(2) Shri Filipe Nery Rodrigues, MLA	Member
(3) Shri Aleixo R. Lourenco, MLA	Member
(4) Shri Nilesh Cabral, MLA	Member
(5) Shri Carlos Almeida, MLA	Member
(6) Shri Prasad Gaonkar, MLA	Member
(7) Smt. Alina Saldanha, MLA	Member

LEGISLATURE SECRETARIAT

(1) Shri N. B. Subhedar	Secretary, Legislature
(2) Shri H. F. Noronha	Under Secretary
(3) Shri Mohan Gaonkar	Section Officer

GOVERNMENT OFFICERS

(1) Shri Dharmendra Sharma	Chief Secretary/Secretary Law
(2) Smt. Nila Mohanan	Secretary, Revenue
(3) Shri S. G. Marathe	Additional Secretary, Law
(4) Shri Sudin A. Natu	Under Secretary, Revenue

3. The Committee adopted the minutes of the last meeting held on 11th July, 2018.

4. The Committee decided to amend to the definition of “public purpose” as defined in the clause 2(m). Accordingly the said clause was drafted by the Law Department.

5. Then the Report of the Select Committee was considered and adopted by the Chairman and all other Seven Members of the Committee unanimously.

The meeting thereafter adjourned at 5.00 p.m.

ANNEXURE – I

OBJECTIONS/SUGGESTIONS

TO

The Goa Requisition and Acquisition of
Property Bill, 2017

BY

- (1) Shri Pratapsingh R. Rane, MLA.
- (2) Shri Filipe Nery Rodrigues, MLA.
- (3) Shri Aleixo Reginaldo Lourenco, MLA.
- (4) Smt. Alina M. Saldhana, MLA.

MEETING OF THE SELECT COMMITTEE ON 30TH OCTOBER, 2017 AT 3.00 PM IN PAC COMMITTEE
ROOM, GOA LEGISLATIVE ASSEMBLY COMPLEX, PORVORIM

NAME OF THE BILL - THE GOA REQUISITION AND ACQUISITION OF PROPERTY BILL, 2017.

MEMBER- SHRI PRATAPSINGH RAOJI RANE

COMMENTS:—

Definition of “Public Purpose” section (2). This is well defined in the act. Though I would like to add to the sub-clause.

1. (d) Item (iii) we may add Educational Institution and Hospital etc., as this is very important in this 21st century.

2. In section (5) (6) under the compensation is paid in full no land property should be acquired or requisitioned. The Central Act copy should be made available to the members. The Land Acquisition and Rehabilitation and Resettlement Act, 2013 copy to be provided.

Section (8) para (4) the copy of the act may be made available.

3. Section (17) should be studied and proper legal advice taken.

4. Section (19) The Public purpose should not be diverted from the intended cause of acquisition and Requisition.

5. Right to fair compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

Gmail - Comments on the Goa Requisition and Acquisition of Property Bill, 2017 Filipe Nery Rodrigues <filipenerimdrigues@gmail.com>

Mon, Nov. 13, 2017 at 9:02 a.m.

Comments on the Goa Requisition and Acquisition of Property Bill, 2017

NAME OF THE BILL - THE GOA REQUISITION AND ACQUISITION OF PROPERTY BILL, 2017

MEMBER - SHRI FILIPE NERY RODRIGUES

COMMENTS -

It appears that the Government has decided to adopt the Kerala law, being “The Kerala Requisitioning and Acquisition of Property Act, 1981”, without seeking to make any changes that may be needed for Goa’s special needs. It is also pertinent to note that the Kerala Act is of the year 1981 when the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Act, did not exist.

Subsequently, it may be noted that “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Act, 2013” was enacted into law after massive protests in various parts of the country and particularly in West Bengal against the provisions of the Land Acquisition Act, 1894. The said law has been specifically enacted supported by all parties in parliament. The said law has been particularly created to overcome the misuse of land acquisition and denial of fair compensation to the landowners as it was felt that the provisions of the Land Acquisition Act, 1894 was no longer sufficient to meet public aspirations in the light of emerging situations.

While not disputing that there is need for a law to streamline and facilitate easier ways of obtaining private land for public purposes and the Kerala Act may be the right step, the question is whether the said Act will not violate the provisions of the aforesaid Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Act, 2013. It is quite likely that any aggrieved citizen may challenge the requisition before the appropriate Court of Law. Hence it is necessary that the laws framed by the Assembly do not violate any Central Law.

It would therefore be just and proper if a written opinion of the Law Officers of the State and the Advocate General is sought on the constitutional validity of the law sought to be created so that the House is assured of the legality of the legislation vis a vis the Central Act.

I may add here, that Kerala is identified as a progressive State which has been ruled either by the UDF led by the Congress or the LDF led by the CPM, for decades and the fact that the Goa Government intends to adopt a law of the Kerala Assembly may be a step in the right direction subject to what I have stated above.

Aleixo R. Lourenco, M.L.A Curtorim Constituency,
Government of Goa.
H. No. 800, Batora, Curtorim, Goa.
Mob: 9822485327

To

The Chairman of the Select Committee,
Goa Legislative Assembly,
Complex, Porvorim.

Sub:- The Goa Requisition and Acquisition of Property Bill, 2017.

Dear Sir,

COMMENTS

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (The New Acquisition Act) came into effect from 1-1-2014 and was specifically designed for payment of compensation of four times of market value in rural areas and two times of market value in urban areas and further to address historical injustices, where no land acquisition award has been made. The fulcrum of the law is not to disposes anyone unless all payments are made. And further land remains unutilized, to return the land to the owner. Basically the law dealt with arbitrary acquisition and required social impact assessment study.

The proposed Goa law is a clear attempt to bypass the provision of the new land acquisition act which came into force on 1-1-2014. It is only proper and imperative that public opinion is sought and the bill is kept open for public scrutiny discussion and debate.

The Goa law does not state with clarity the public purpose for which the premises or property can be requisitioned or acquired. The public purpose for which this law will be applied has to be defined with clarity when it comes to requisition.

When it comes to acquisition, the provisions of the new land acquisition act which came into effect on 1-1-2014 must be applied in latter and spirit i.e. the amount of compensation, the payment of compensation and all aspects covered for transparency and acquisition must be applied in latter and spirit.

Basically, the proposed law could be restricted only to requisitioning of property after clarity on the definition of public purpose. The acquisition aspect must be under the new acquisition act which came into force on 1-1-2014.

It would be advisable to get public opinion which is the case of select committee.

Thanking you,

Yours faithfully,

Shri Aleixo Reginaldo Lourenco.

MEETING OF THE SELECT COMMITTEE ON 30TH OCTOBER, 2017 AT 3.00 PM. IN PAC
COMMITTEE ROOM, GOA LEGISLATIVE ASSEMBLY COMPLEX, PORVORM

NAME OF THE BILL— THE GOA REQUISITION AND ACQUISITION OF PROPERTY BILL, 2017.

MEMBER— MRS. ALINA SALDANHA

COMMENTS—

- The British Land Acquisition Act of 1894 was being used to forcibly acquire land from the people at a throw away price. During the Congress regime, Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, was passed in order to provide better compensation, resettlement & rehabilitation to, not only the land losers but also other stake holders who are affected by the acquisition viz landless labourers and others in the community affected by the acquisition.

Every acquisition requires a social impact assessment-to-be done.

This is a time consuming process & therefore the Govt. of Goa framed a policy on Procurement of Land under Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for direct procurement of land; to set up 'public purpose' projects on priority basis.

Under this policy the rate of acquisition is linked to market value of property as prescribed under the Goa Stamp (Determination of true market value of property) Rules, 2003. Due to the high rates provided under this policy which was notified in the Official Gazette on 30th May, 2016, the Govt. claimed it would make it easier to procure land for 'public purpose' projects.

In view of the above, we the members of the Select Committee and the people of Goa in general need to be made aware of the reasons for introducing the 'Goa requisition and Acquisition of Property Bill, 2017'.

The Goa Requisition & Acquisition of Property Bill, 2017 is based on the Kerala Requisitioning & Acquisition of Property Act, 1981. The members need to be informed whether, with the passing of the Central Act-Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013, the Kerala Act is yet being implemented & if so, in how many cases and full description of these cases need to be informed to the members.

- The Kerala Act does not provide for acquisition of any land and is primarily concerned with requisition and acquisition of 'premises' and movable property. On the other hand the Goa Bill includes 'land' under its ambit, which will be highly objectionable to the public.
- Under the Kerala Act No property or part thereof
 - (a) which is bonafide used by the owner thereof as the residence of himself or his family or
 - (b) which is exclusively used for any library or orphanage or hospital, shall not be requisitioned or acquired.

Whereas, in the Goa Bill, these very valid clauses have been omitted in clause 3 of the Bill. It is most essential to specify and make it amply clear by incorporating the above clauses in the Goa Bill in order to ensure that people are not dispossessed of their houses.

- In the case of the Kerala Bill, a notice is served on the owner of the property and he is given adequate time to reply (15 days for immovable property & 5 days for movable property). Based on the reply the authority considers & gives its decision. On the other hand, as per the Goa Bill the property is vested in the Government first and the owner has to subsequently give reasons why the property should not be requisitioned/acquired and then the authority may consider. Even the colonial British Act of 1894 gave sufficient time for the land' owner to put forward his case and agitate before various authorities before arriving at a decision to acquire the land. The provisions in this Goa Bill are dictatorial and anti-people.

- Land/premises are sought to be acquired for,
 - (1) Tourism related activities,
 - (2) PPP projects,
 - (3) Townships etc.

by depriving the locals of their ancestral properties. This is a very dangerous trend which I have apprehensions about, considering the fact that due to lack of job opportunities, the Goans have settled in Bombay and other places in India & Abroad and consequently stand to lose their property which for obvious reasons remains closed & unused.

After the passage of this Goa Bill, does it mean that any private premises in Panaji & other cities of Goa will only be requisitioned and not be taken up as per the existing rental system which is arrived at through negotiating/public advertisement?

In my opinion the Select Committee should also invite suggestions/objections/inputs from the general public so that it becomes more participatory.

SUGGESTIONS

TO

The Goa Requisition and Acquisition of Property Bill, 2017

By Smt. Alina M. Saldhana, MLA.

To,
Shri. Rohan Khaunte,
Hon. Minister for Revenue and,
Chairman of Select Committee on the Goa,
Requisition and Acquisition of Property Bill, 2017,
Secretariat,
Porvorim-Goa.

Respected Sir,

I wish to place my thoughts and suggestions w.r.t. the Goa Requisition and Acquisition of Property Bill, 2017. Kindly take note of the same before approving the draft of the said Bill.

With reference to point-3(1)- Power of Requisition- Transparency in land acquisition is essential to ensure the owner gets his due as mandated in "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation Act, 2013". I firmly believe that the consent of the owner is necessary before the Government takes over the immovable property, more so, since the immovable property also includes a constructed structure.

W.r.t No. 4 (25 & 30)- The landlord should not be forced to make any changes/repairs in his property unless a consensus is arrived at between the owner and the Government. Further, under no circumstances can the Government force the owner of the property to undertake repairs against his will, more so, as the property could include a constructed structure. Only if the owner agrees to undertake the necessary changes, the changes can be made, for which the Government has to bear the cost.

The specifications mentioned in the Bill under Public Purpose, 2-5m-a,b,c,d(i-xiii) are vague and render the owner without any rights over his property. Besides this clause could lead to misuse of immoveable property.

Public purpose for which the immovable property is to be requisitioned has to be specific. Public purpose should include subjects that benefit the public at large without rendering the owner landless or homeless against his will.

The purpose for which immovable property is to be requisitioned has to be in black and white, which could be as stated below:-

1. Construction of new roads
2. Construction of bus bay and Bus Stop
3. Widening of existing roads
4. Construction of Bridges and Culverts
5. Improvement of nullahs
6. Drainage
7. Sewerage
8. Laying of cables (power and telecom)
9. Water pipelines
10. Gas pipelines

Kindly consider the above mentioned suggestions on the Goa Requisition and Acquisition of Property Bill, 2017 and incorporate the same so that I can give my assent to the passage of the said Bill.

ALINA SALDANHA

(MLA of Cortalim Constituency)

ANNEXURE – II

VERBATIM PROCEEDINGS OF THE SELECT COMMITTEE ON THE GOA REQUISITION AND ACQUISITION OF PROPERTY BILL, 2017.

The meeting of the Select Committee on the Goa Requisition and Acquisition of Property Bill, 2017 was held on Monday, the 5th February, 2018 at 11.00 a.m. in the PAC Room, Goa Assembly Complex, Porvorim Bardez Goa.

The following were present:-

1. Shri Rohan Khaunte, Hon. Revenue Minister	Chairman
2. Shri Pratapsing Rane,	Member
3. Shri Aleixo Reginaldo Lourenco	Member
4. Shri Filipe Nery Rodrigues	Member
5. Smt. Alina Saldanha	Member

GOA LEGISLATURE SECRETARIAT

1. Shri N. B. Subhedar, Secretary Legislature.
2. Shri Hercules Noronha, Under Secretary, Legislature.
3. Shri Mohan Gaonkar, S.O. Legislature.

OFFICERS

1. Shri Marathe, Addl. Secretary, Law.
2. Under Secretary, Revenue.

5-2-2018

11.30(2)

CHAIRMAN: A very good morning, I welcome you all for the second meeting of the Select Committee on the Goa Requisition and Acquisition of Property Bill, 2017. The first preliminary meeting was held on 30th October, 2017 in the Assembly Complex and then we were of the opinion that every Member had some thoughts which we were sharing across and we had asked the Members to share their thoughts. We have had letters in response to the particular meeting from our senior Member Shri Pratapsingji Rane, Shri Aleixo Reginaldo Lourenco and Smt. Alina Saldanha.

SHRI FILIPE NERY RODRIGUES: I have also given. I got the copy. I don't know how you have not received.

CHAIRMAN: Anyway, if you have a copy you can give me.

ADDL. SECY(LAW): He has given.

CHAIRMAN: Then no issues. The main issue of getting this particular Bill was keeping in mind the present status of how we are going in for requisition and acquisition in terms of public spaces, places of importance, how when we had taken it. When the Bill was introduced, Alina I think you listen because you have maximum issues on this. This Bill was basically raised for one thing because we are having problems for every acquisition for the area other than a place where we have a procurement policy in place. The procurement policy is the only policy which now being in existence allows you to have things in mutual agreement, rest of it is not able to. That is why to move things fast, to move things from developmental areas in Constituencies in the State projects wherever required this requisition and acquisition came in. Now, I would only like to highlight like our senior Mr. Raneji has given some points I would request all of you'll to spell out all these issues and why you'll have raised these issues.

5-2-2018

11.35(1)

(Chairman contd.)

So may be we can discuss it point to point, and see what is to be deliberated upon.

ADD. SECY. LAW: The first point that you have raised is- Definition of "Public Purpose" Section (2).

It is not defined- the Educational Institution and Hospital etc.

SHRI PRATAPSING RANE: I would further like to add to it. Also there are two things in these worlds which are going to be important in times to come. One is Water Resources and other is Education and Poverty. If you want to remove poverty you need education for earning money. So education should be given a priority. And water may become a problem, as earth is warming. So any area which we can impound, for that I feel we will have to and looking 25-30 years ahead, and the warming of the earth, it is taking place, and we require water. Now Gujarat is suffering what is that, that New Sagar, there is no water there. There is a problem.

ADD. SECY. LAW: Now Sir, regarding your point, regarding water, this will include.

SHRI PRATAPSING RANE: That is not there.

ADD. SECY. LAW: This will include in clause 2 (m) Further it will include in (d) (i). Line No. 15 – Page 3.

"Maintaining supplies and services essential to the life of the community".

It is a very expansion of Article 21.

SHRI PRATAPSING RANE: O.K.

ADD. SECY. LAW: Which we will include Sir.

SHRI PRATAPSING RANE: Another point is why I am mentioning water.....

5-2-2018

11.35(2)

ADD. SECY LAW: I agree Sir, it will include. Regarding Educational Institutions and Hospitals, that is also included at Page- 4.

CHAIRMAN: You do the expansion.

ADD. SECY. LAW: No. There is no need of expansion. See page 4 (xii) medical, education or advancement of any other object of general public utility. So it will include Sir.

SHRI PRATAPSING RANE: What I am trying to say here, let us be very specific, on one or two points. Which are absolutely necessary. Then lawyers twist things. Then it is more general.

ADD. SECY. LAW: Another point you have raised Sir, is section 17- Jurisdiction of Civil Courts barred.

We have not barred the High Court and the Supreme Court.

Otherwise we don't have powers to barred the jurisdiction of High Court and the Supreme Court. Because that is the basic structure of the Constitution. Now when there are alternative remedies made available under this Act, no Civil Court should take any intervention to file the very purpose of the Requisition and Acquisition.

SHRI PRATAPSING RANE: How is it in Kerala Act?

ADD. SECY. LAW: Kerala also same provision is there. Section 19 of Kerala Act.

05-2-2018

11.40 (1)

CHAIRMAN: Section 19th of the Kerala Act.

ADDL. SECY (LAW): Here the powers are given to the District Court because in Kerala District Court get the powers. We are not given powers to the District Court because we have appointed an arbitrator again the arbitrator appeal will lie. That provision we have made. So, no Civil Court, District Court is having the power.

SHRI. PRATAPSING RANE: But in our case District Court is not there?

ADDL. SECY (LAW): Arbitrator is there.

SHRI. PRATAPSING RANE: Who will appoint the Arbitrator?

ADDL. SECY (LAW): Government.

SHRI. PRATAPSING RANE: Government will appoint the Arbitrator. It can be a Government Officer?

CHAIRMAN: No, no. We have addressed that, who will be the Arbitrator.

SHRI. PRATAPSING RANE: Ok.

SMT. ALINA SALDANHA: Arbitrator should be a neutral person, were people should have faith.

CHAIRMAN: He is.

SMT. ALINA SALDANHA: Otherwise, people will have doubts in their minds.

05-2-2018

11.40 (2)

SHRI. PRATAPSING RANE: We have to be very clear on that.

ADDL. SECY (LAW): Arbitrator will be a qualified Judge of the High Court.

SMT. ALINA SALDANHA: Arbitrator will be a Judge?

ADDL. SECY (LAW): Yes. Qualified, to become a High Court Judge.

SHRI. PRATAPSING RANE: I am quite suspicious about qualified, I will take my own.

ADDL. SECY (LAW): Whoever, it has to be Judge of the High Court.

SHRI. PRATAPSING RANE: Ok. Judge of the High Court or a retired Judge of the High Court.

CHAIRMAN: Retired Judge only?

ADDL. SECY (LAW): We don't take acting Judge.

SMT. ALINA SALDANHA: Retired Judge?

SHRI. PRATAPSING RANE: Yes, retired Judge. And one more general question I have. How were the property requisitions earlier? For public purpose, suppose there is one house, we use to do requisition.

ADDL. SECY (LAW): That was in 1952, Central Act. That is made under Independency of India in 1962. Prior to that 1952 Act was there. That is only requisition for Central Government. Even this Act is for the State but otherwise, the Central Act, 1952 is applicable only for the property requisition and acquisition for Central Government not for the State Government. That power we don't have.

05-2-2018

11.40 (3)

SHRI. PRATAPSING RANE: I know, we have requisition certain things.

ADDL. SECY (LAW): But that time we were Union Territories.

SHRI. PRATAPSING RANE: Yes. We were Union Territories.

ADDL. SECY (LAW): Yes, and we were having the powers.

SMT. ALINA SALDANHA: Now, we have this Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Act, 2015. Can't this Act take care of our needs?

CHAIRMAN: That is more bad then this one. 2013, you have gone through this Act?

SMT. ALINA SALDANHA: Yes but..

CHAIRMAN: If you call this draconian by some of the opposition colleagues which they use the word, they would use some other word no?

ADDL. SECY (LAW): After coming into force, this Act the compensations were too high and rehabilitation, all these problems were there. And regarding taking the social impact assessment, it takes more than 9-10 months. Very lengthy procedure and then asking for the public opinion and see sometimes, everybody had different opinion.

05-2-2018

11.40 (4)

CHAIRMAN: Instead of having 2013, not having is only the better thing. As it won't work, it is not working.

ADDL. SECY (LAW): Yes, it is not working.

CHAIRMAN: एकूच मिनिट, will go one by one. I think, राणेसायबाचे पॉयन्ट्स तुमी पळयात. आता तुमचे समज कितें आसा न्हू against to what you all have in your letters to highlight no, you can take up. मराठे सायब तांचे पॉयन्ट्स आसात पळय तांची एक कॉपी मात्शी दि.

5-2-2018

11.45(1)

SMT ALINA SANDANHA: I would like to know whether with the 2013 Act after the introduction of that Act, is the Kerala Act still being implemented?

CHAIRMAN: Yes it is an existing Act.

ADDL. SECY LAW: It is in existence because it is being taken under the Presidential license.

SHRI P RANE: It is existing since 1981.

ADDL. SECY LAW: Yes and now also our Act has to be given Presidential license otherwise it will be going against Article 31.

SMT ALINA SALDANHA: Then under this Act land is being requisitioned?

ADDL. SECY LAW: No. We have only the acquisition.

CHAIRMAN: In our Act it is requisition and acquisition.

ADDL. SECY LAW: Requisition is for 15 years. Then we are going to release the property back to the owner.

SMT ALINA SALDANHA: In the Kerala Act what is to be requisitioned and acquired is premises not property as such or land as such.

CHAIRMAN: It is the same immovable properties.

ADDL. SECY LAW: It is there. See in the Kerala Act 2 (f) 'property' means movable or immovable property of every kind and includes any rights in or over such property.

5-2-2018

11.45(2)

SMT ALINA SALDANHA: Ok, now another question just to you know, when people question us we should be able to answer them. In case of the Kerala Bill the owner is given 15 days for immovable property and 5 days for movable property to reply to the authority and the authority based on his reply gives its decision. Now, here in case of the Goa Bill the land is first requisitioned so the say of the owner is not considered.

CHAIRMAN: How? What is requisition and what is acquisition?

SMT ALINA SALDANHA: Requisition is vesting the property with the Government.

CHAIRMAN: On what basis?

SMT. ALINA SALDANHA: Now you tell me.

CHAIRMAN: I am asking you. Requisition is you are taking the property for your requirement and the acquisition process whatever, requisition time limit is 15 years, within 15 years if acquisition does not take place by the Government, the property is going back to you if you are the property owner. So, it is the onus of the Government who takes it on requisition, who is paying a particular price to the landlord, landlord is getting the fees irrespectively and acquisition amount and other things which need to be paid either in 15 years if Government takes over it acquires it Government is giving him the acquisition amount, if not, the property goes back to him.

SMT. ALINA SALDANHA: That I understand.

CHAIRMAN: So, this is a better way.

5-2-2018

11.45(3)

SMT. ALINA SALDANHA: Just give me a chance and also let me make it very clear that I am not a legal person, so I want to know by asking questions.

CHAIRMAN: I am just talking on the topic which you have raised it is there in that.

SMT. ALINA SALDANHA: I just want to know what is meant by requisition?

ADDL. SECY LAW: It means temporarily taking the possession of that particular property.

SMT. ALINA SALDANHA: Now, when we take temporary possession of land do we first consult the owner and see what is his stand on the issue?

CHAIRMAN: When you are consulting the owner and the owner agrees and disagrees, consulting the owner and talking on the thing is the existing procurement policy. When you need a place for road widening for example, today your roads are getting widened, somewhere some Comunidade or some owner says I will not give you the share, then requisition allows you to do that scope of work.

SMT. ALINA SALDANHA: That is why I feel requisition should be allowed only on case to case basis. Like as you said with respect to a road if we want to widen a road.

CHAIRMAN: What is the fear in your mind?

5-2-2018

11.50 (1)

SMT. ALINA SALDANHA: The fear in my mind is that any land can be just taken over and the owner can be still in the dark, and then the owner is given a chance to ask why or put his stake to the Department.

SHRI PRATAPSING RANE: Government can straight away put section 4 and section 6 on it as per the Land Acquisition Act. I want to build road from outside the Comunidade land I give a notice, Government gives certain time.

SMT. ALINA SALDANHA: They send the notice to the land owner?

SHRI PRATAPSING RANE: Government can acquire the land. All these lands which are acquired for example Selaulim Project, Anjunem Project, Tillari, Government can do it.

CHAIRMAN: Any space for public importance, or necessary infrastructure creation, if not Procurement Policy, it is Requisition and Acquisition.

SMT. ALINA SALDANHA: Let us say, suppose the property required has a house, now if the property is a house, the Government is requisition that house without knowing the status who is staying in that house, without knowing who is using that house, you just get that property for Government and then ask the owner to give his say, isn't it better to talk to the owner first.

SHRI PRATAPSING RANE: Say in case of Goa there are many houses, for example, Chief Minister's Residence, I acquired it for 25 lakhs. It was a bit of a measure of confiscatory. That time we were a Union Territory. So Government of India has the powers.

SMT. ALINA SALDANHA: Now the State of Kerala, what Kerala does?

CHAIRMAN: That is acquisition.

5-2-2018

11.50 (2)

SHRI PRATAPSING RANE: Now I will tell you, just next to the Chief Minister's bungalow, just one bungalow apart, we have requisitioned that bungalow.

CHAIRMAN: O.k. I will put it this way Alina. When Mr. Raneji was the Chief Minister, there was only acquisition. And it was a very nominal rate. Rs. 5/- Rs. 10/- whatever it is. Over the years, that Policy was being relooked at because of some issues. And to take it ahead meantime, the Procurement Policy came in. Now here to acquisition they have added requisition also, which is a favourable policy both ways. It is win-win. Government per se will not just go and acquire any house. Now the problem is the way a person wants to think about. If I have an optimist approach, I will use it in the best way for the development of the State. I am just putting it this way. I will put a different question. Why we will acquire a house? Or we will requisition it? I am asking you.

SMT. ALINA SALDANHA: May be for a Government Project, etc. it can be for different reasons.

SHRI PRATAPSING RANE: I will give you an example. Earlier the Chief Ministers used to have their own houses. Mrs. Shashikala Kakodkar, used to stay in Porvorim, and Mr. Bandodkar used to stay in Altinho. When I came I had only one small flat in Miramar that side. Now Chief Minister will require a waiting room for the people outside, and all these things. Now there was one house lying vacant. They were in Portugal. We put section 4, section 6 acquired the land, it was an evacuee property. Acquired the land put Rs. 25 lakhs, it was worth crores of rupees. The Chief Minister's bungalow. It got a big area at Altinho. We acquired it for twenty five lakhs.

5-2-2018

11.50 (2)

Now the Land Acquisition Act, by the Central Government is amended. I think four times the market value something like that.

05-2-2018

11.55 (1)

Shri Pratapsing Rane Cont.

Not so easy. Requisition is for 15 years

SMT. ALINA SALDANHA: Now, acquisition takes 15 years.

SHRI. PRATAPSING RANE: No, requisition.

CHAIRMAN: Acquisition is not for 15 years, its requisition for 15 years.

SMT. ALINA SALDANHA: Ok, how is the payment done over a period of?

CHAIRMAN: Everything has a procedure. ५ वर्सांन अँक्रायर करपाक येता ६ वर्सांनूय अँक्रायर करपाक येता.

SMT. ALINA SALDANHA: एक एक फावटी गव्हर्नमेन्ट डिसायड करता ही लॅन्ड आमकां गरजेची आसा, गव्हर्नमेन्ट ताच्या उपरान्त will elaborate and will use the land. When are you going to pay the owner and in this period of 15 years, what if the owner dies and goes? When are you going to pay the owner?

SHRI. PRATAPSING RANE: His successors are there.

CHAIRMAN: Nowadays, Government has to pay a big amount compared to earlier days. Its not a small amount.

SHRI. PRATAPSING RANE: See, I will tell you there are many houses that are falling down in Salcete, Margao.

SMT. ALINA SALDANHA: See, if I am the owner, I am definitely at loss.

CHAIRMAN: Loss for what?

05-2-2018

11.55 (2)

SHRI. FILIPE NERI RODRIGUE: You are blocking land for 15 years.

SMT. ALINA SALDANHA: Yes, you are blocking my land for 15 years.

ADDL. SECY (LAW): No, no, you are entitled that time. Section 7 is very clear Madam.

SMT. ALINA SALDANHA: What does it says?

ADDL. SECY (LAW): Where any property is requisitioned or acquired under this Act, there shall be paid compensation which shall be determined in the manner and in accordance with the principal herein after set forth.

SMT. ALINA SALDANHA: Over a period of?

UNDER SECY(REV): No, no within 15 years.

ADDL. SECY (LAW): Immediately also you can start, acquisition. You are entitled. Next 15 years, Government is not keeping that land with us, without paying anything to the original owner, No.

SMT. ALINA SALDANHA: Not anything, the price of the land.

ADDL. SECY (LAW): Yes, yes, that is been set out.

SMT. ALINA SALDANHA: So when is that you decide that the land is going to be acquired.

ADDL. SECY (LAW): Requisition. We will not go first directly to the acquisition but requisition. First requisition and then acquisition.

05-2-2018

11.55 (3)

SMT. ALINA SALDANHA: So, when does the owner get payment?

ADDL. SECY (LAW): Payment, at both the stages.

SMT. ALINA SALDANHA: Both stages, that is after 15 years?

ADDL. SECY (LAW): No, no immediately.

SMT. ALINA SALDANHA: The token amount, the value of the land?

ADDL. SECY (LAW): See, after 15years if property is not required, we will surrender it back to the owner. Because that provision is very clear.

SMT. ALINA SALDANHA: So the owner is deprived of using his land.

ADDL. SECY (LAW): By Section 7, he is compensated no Madam.

SMT. ALINA SALDANHA: I think no, just one point ok. I will be very frank on this, I am not trying to be negative. I want to clear all my doubts. Now I feel that people are worried, I am just putting the public thought. What people are saying, we were talking in fact every time when the project comes up in my Constituency and when land is to be acquired we talk about the fact that the Land Acquisition Norms are been passed at the Centre and the value of the land is to be 3 times the market value and all that. You know, that has been giving people, a feeling that yes, they should help the Government. Now, when we have that, what is the need for this? Why can't we do, you know go ahead?

ADDL. SECY (LAW): Madam, Section 7(2), very clearly mentioned, during the requisition at page No. 9, last para. 'The amount of compensation payable for the requisitioning of any property shall, subject to the provisions of sub-sections (3) and (4)' consist of – ' when there is agreement and all these things.

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11.55 (4)

(a) a recurring payment, in respect of the period of requisition, of a sum equal to the rent which would have been payable for the use and occupation of the property, if it had been taken on lease for that period, and

(b) such sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the following matters, namely:-

(i) pecuniary loss due to requisitioning:

(ii) expenses on account of vacating the requisitioned property:

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12.00(1)

SMT. ALINA SALDANHA: But here it says a recurring payment in respect of the period of requisition. That means the total amount will not be given.

CHAIRMAN: That is in acquisition no? Total amount is paid in acquisition.

SMT. ALINA SALDANHA: During the period of requisition you will be paying the owner in instalments not at one time.

CHAIRMAN: It is requisition, it is not acquisition. Marathebab please explain to her requisition and acquisition.

ADDL. SECY LAW: Requisition is only for a temporary purpose acquisition is permanent.

SMT. ALINA SALDANHA: Ok, that means some lands may be requisitioned which is not a permanent takeover of the land, so it is used only for a certain period of time and it is returned. Ok, so it is like I lease my house and I get my rent paid.

UNDER SECY REV: Madam, this is a payment during the period of requisition till the Government goes ahead and takes the decision to acquire, see Page 11 sub-section 5, he is entitled under Section 7 (5) (b).

SMT. ALINA SALDANHA: I got it.

CHAIRMAN: I understood your question, the basic line I am telling you. You are giving me a Lease agreement of your property which we are utilizing for a certain time, we are paying you rent, Government decides not to take it, Government gives you back, the agreement is over. Now, Government decides to acquire it in the long run, Government has a time of 15 years to acquire it, till then it keeps paying you the rent.

SMT. ALINA SALDANHA: It will take 15 years, the Government will take 15 years to acquire it?

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12.00(1)

CHAIRMAN: Maximum of 15 years to acquire it for which lease rent is being paid. In case it does not take the property after 15 years whatever rent is paid to you and the property is back to you. Understood? If the acquisition has to happen it can happen from the first year to the 15th years, second year, third year anytime at that time the acquisition rate is calculated and paid to you. So there are three parts.

SMT. ALINA SALDANHA: So, there is one part where you may not pay the total amount but you will pay it in instalments?

CHAIRMAN: No. Lease if you give your flat on lease you get rent no, eleven months agreement. You do it for 20 years now. Sometimes you are renewing your agreement for eleven months, eleven months till 20 years. In this case the Government can lease your flat up to 15 years without acquiring it. The day Government decides to acquire it, may be in the third year, fifth year, seventh year, ninth year, eleventh year till the 15th year, it will be acquired with acquisition rate. In case after 15 years acquisition does not take place, by default the property is back to you, with requisition or acquisition this is not applicable to you.

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12.00(3)

SMT. ALINA SALDANHA: Ok, my last question. Now suppose land is selected for requisition or acquisition and the owner has definite reasons why he cannot give the land, what happens then?

SHRI PRATAPSING RANE: You have to specify the reason.

CHAIRMAN: In the requisition also you go through it the owner and you are coming to an agreement that also is there, then a proviso.

SMT. ALINA SALDANHA: What is the Government's stand in that case? Supposing you feel you need that land and the owner feels he cannot give the Government that land because he has his own plans for the land. What happens then?

CHAIRMAN: Because Government needs the land that is why this Bill is introduced.

SHRI PRATAPSING RANE: It is required for public purpose.

SHRI FILIPE NERY RODRIGUES: What is the legal provision in that case?

CHAIRMAN: Legal provision means, that Act itself is an Act.

SMT. ALINA SALDANHA: So, that means if I am not ready to give my land, my say does not have value.

CHAIRMAN: If you are not agreeing to give your land you are disagreeing to the present procurement policy. That is why this policy is introduced.

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12.00(4)

SMT. ALINA SALDANHA: So, that means this policy will take the land irrespective of the owner wanting or not wanting to give the land.

(9)

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12.05 (1)

CHAIRMAN: Yes. That is why this Bill.

SMT. ALINA SALDANHA: And what happens if the owner has some very definite plans of his/her own over his/her own land.

ADD. SECY LAW: You will get the compensation for that.

SMT. ALINA SALDANHA: That does not matter, because my plan may give me recurring benefits.

CHAIRMAN: I will put it this way. Your internal road in Cansaulim, wherever you want to expand, the compound wall of one particular fellow which is in lobram and very close to the road, he is not ready to take even one and a half meter back, because he wants that land touching the road, and he does not want to do it because his grandfather had told him that it is till there. He is not here. He is in some other country or he is here whatever. What do you do. So you expand the whole road, then you have a compound coming out and then you expand the whole road, how do you do the road. I am having in my own constituency today.

SMT. ALINA SALDANHA: I also have cases like this in my constituency. Therefore the best way I feel to be specific case to case. Now tomorrow with respect to widening the road, it is a necessity and we cannot allow a compound wall to keep the road narrow in patches. But suppose it is a big area free of encroachments and the Government has a plan on it, I being the owner, I also have a plan on it.

CHAIRMAN: From Liberation till now, no Government has an intent of going into something which they don't want to use for public utility. Like what Raneji has said, whether it is Education, whether it is Medical, you have to look at it. Tomorrow if a place grows, you are not able to get a place for your PHC and your market, what you are going to do? Your own area you want to have inclusive development, how you are going to do it. I want a ground for my people today, I am not able to make a playground today because it is not happening. You need to get into requisition acquisition.

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12.05 (1)

SMT. ALINA SALDANHA: I am not saying, we definitely need that. But I am saying in specific situations, like widening of the road, definitely. Like the bridge that is happening at the moment. Definitely.

CHAIRMAN: Madam this Bill has to be sent for Presidential assent also. It is not limited to you and me here. It will go for Presidential assent also. And this Bill which is done, we can continue with the arguments indefinitely because your mind is with the approach, with certain people in your mind.

SMT. ALINA SALDANHA: It is nothing to do with the people, it is my own mind.

CHAIRMAN: Let me complete. No no your mind itself, but you have doubts, that Government can come and acquire into something. With today's rates payable as compared to earlier rates, yes I would agree with you. Today what we are paying, whether it is lease or acquisition, it is a sizeable component. So it is not an amount where I will just take Filipe Neri's land, then that one's land.

ADD. SECY. LAW: Madam any requisition and acquisition, has to be confined under this as defined in this Bill as far as meaning of public purpose. It cannot go beyond it.

SMT. ALINA SALDANHA: We have to be more specific for what we are going to acquire the land. Like road, 100% you have to acquire. If it is a bridge or a culvert, these are public utilities which are very very essential. But it should be very definite.

5-2-2018

12.05 (3)

CHAIRMAN: You'll tell me one thing, the provision of land on Page 3- there are about 13 items. 13 categories of items. Share your thoughts on those 13 items. I think everything is clearly identified ADD. SECY. LAW: Page 3.

CHAIRMAN: Now to pull the water source, you need space for tanks to park water in terms of water harvesting, pumping.

SHRI PRATAPSING RANE: Do you know something.

SMT. ALINA SALDANHA: That is what I am saying. That is a necessity. Sir please forgive me for talking and before you Sir because I feel....

CHAIRMAN: The Revenue Department is the right Department, because the Bill of LRC and everything has been moved that time. So in terms of acquisition till date, to the Land Revenue Code, whatever we are having, he will be the best person to clear your doubts whatever you are having in this respect.

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12.10 (1)

Chairman Cont..

SMT. ALINA SALDANHA: Sir, these are not my doubts these are the questions which are been asked so therefore I feel, we have to clear all this here before people starts talking or making noise.

SHRI. PRATAPSING RANE: I know, for that there is Select Committee.

CHAIRMAN : कलिंगसांक हो फोरम दिल्ली आसा सिलेक्ट कमिटीक धाडपाक. तुजे जे कलिंगस आसात पळय जे उदून ऑसॅब्लीन विडियो खातीर उलयताले, ताणीन एकट्यानूय लेटर धाडूंक ना. आनी तुमचो दुसरो कलिंग उलो मारता ताणीन लेटर धाडला पूण तो येवक ना. ताचे पॉयन्ट्स घेवया.

SHRI FILIP NERI RODRIGUES: My request is to please take this on record, that we have not received.

CHAIRMAN: Yes, that will be taken on record.

SHRI FILIP NERI RODRIGUES: My concerned is violation of Central Act.

CHAIRMAN : 'मराठे बाब माल्शें आयक, violation of Central Act म्हणटा तो.

SHRI FILIP NERI RODRIGUES: केरळा ॲक्ट पळय आसा, should not clash with Central Act. केरळा ॲक्ट पळय आसा is of 1981 where as new Act, which is Compensation and Transparency in Land Acquisition, did not existed at that time. My general idea is not to clash it with the Central आनी दुसरे कितें जाता any citizen can challenge the requisition before the Court of Law. That's why it is necessary to find.

SHRI. PRATAPSING RANE: No, no, you can't be afraid, if somebody challenging it before the law. That freedom is there.

CHAIRMAN: As a citizen you have all the rights to go to the High Court and all this. Only civil court barred केला.

05-2-2018

12.10 (2)

SHRI FILIP NERI RODRIGUES: Challenging the very enactment of this law. Central law should not supersede.

ADDL. SECY (LAW): No, no, that is the reason we are giving it for the President's assent no.

SHRI. PRATAPSING RANE: See, some of the best minds, legal minds are there with the Law Ministry of India even then sometimes the Acts are challenged and sometimes they get stuck down by the Judiciary because first thing, you can't violate the Constitution of India, that's the very base and foundation. You have to go upon the Act. All laws should be in tune with the Rights mentioned.

SHRI FILIP NERI RODRIGUES: What you have proposed, in view of development of the Law of the State.

SHRI. PRATAPSING RANE: We cannot bulldoze all the roads.

SHRI FILIP NERI RODRIGUES: No, but wherever we required we need such law because land is the scarce commodity in Goa.

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12.10 (3)

SMT. ALINA SALDANHA: Yes, scarce. Goa is a small State, less of half of District of neighboring State. So we have to be very careful when we use land.

CHAIRMAN: Madam, we have 24% of land available for development out of 3702 sq. kms., rest of that is under forest, under CRZ, under Agriculture, under water bodies and other related.

SMT. ALINA SALDANHA: Something like 365 sq. kms of land is already used.

CHAIRMAN: You don't have to be worried about ho, आमकां डेमोग्राफिकली कितली लॅन्ड आसा ?

श्रीमती अलिना साल्डाना: हांव कितें म्हणटा जी जमीन आसा ***ती सगळी आमीच काबार करची न्हू***

चेअरमॅन: काबार करचे म्हणजे ?

श्रीमती अलिना साल्डाना: आमची जनरेशन्स आसात तांकांय दवरूया.

SHRI. PRATAPSING RANE: Madam, may I suggest here.

चेअरमॅन: काबार करचे न्हू ते घालू नाका. थोडे पॉयन्ट्स एक्सपान्ज करचे पडटले.

SHRI. PRATAPSING RANE: Now no body objected to the acquisition of the Chief Minister's bungalow. It was with the evacuee property. We acquired it and gave the money to the Centre of evacuee property.

SMT. ALINA SALDANHA: Sir, I am sure there will be some instances where the owners themselves willingly will want to give their land for public development, there is no doubt.

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12.10 (4)

SHRI. PRATAPSING RANE: I remember next to that, तो कोण तो नवा गोवा ग्रॅन्ड दिल्लीचे घर आसा पळय, सी. एमाच्या घराच्या कुशीक आनी ताच्या वयल्या वाटेन Indian consulate आशिल्ली पोर्तुगिज टायमाची.

*Portion in ***ordered by Chairman*

To be removed.

5-2-2018

12.15(1)

(Shri Rane Contd.)

That house people had left and gone to Portugal, that house now it has been surrendered back to the party, it was under requisition. Here now, there is a limit for requisition. Houses mostly are requisitioned, rest the land is acquired, very rarely somebody's house goes for acquisition and he is rehabilitated.

SMT. ALINA SALDANHA: Now, I am just expressing my thoughts because I am that kind of a person who can't keep my thoughts to myself.

CHAIRMAN: Madam, this forum of the Select Committee is to share this all.

SMT. ALINA SALDANHA: Now, it gives me a feeling of apprehension, a feeling of uncertainty, as far as what belongs to me is concerned. Now, let us suppose I decide to go to a foreign country and stay there for some time and so my house is closed now because my house is closed the Government takes over my house?

SHRI PRATAPSING RANE: That is not the thing. There are so many houses that are closed.

SMT. ALINA SALDANHA: That is the fear.

CHAIRMAN: To requisition you are required. Please go through the Bill, the Act.

SMT. ALINA SALDANHA: It's not my fear, I am sure you will contact me wherever I am. This is the fear. I am just expressing some people's thoughts. This is the fear they have.

5-2-2018

12.15 (2)

CHAIRMAN: I have gone through the Act in toto. The people who are sharing fears have not gone through the Act. They have concluded through the media reports. They should have gone through the Bill or the Act and then they should have suggested. As far as requisition goes please go through the requisition part you will understand what requisition has in this Bill. Reginaldo Lourenco has given his suggestions which have nothing to do with requisition and acquisition from what I understand. He says requisition while doing see to acquisition also. Requisition if done acquisition also be done as per 2014 Act, which part is already there. So that clarity of thought if required I think if he is coming then it is fine otherwise it is already taken care. If he comes we can reply to him.

SHRI PRATAPSING RANE: You see, Government today is not able to do any land acquisition. Acquisition also means paying market rate. Roads are very badly required because every 24 hours there are so many people dying on the roads.

SMT. ALINA SALDANHA: Roads are required. Widening also is required. In the villages also traffic is increasing.

SHRI PRATAPSING RANE: In India every four hours one man dies.

CHAIRMAN: Another thing I will just add 3 (a) if put what happens? Acquired no?

5-2-2018

12.15 (3)

SHRI PRATAPSING RANE: The land will be acquired as far as land is concerned. Houses which are falling apart, actually my heart bleeds, in Margao there are two beautiful houses, where Caro stays.

SMT. ALINA SALDANHA: May be they intend to rebuild.

SHRI PRATAPSING RANE: No, they are falling because of our laws, Law of Inventaria, there are people who are married, son in laws and something, somebody is in Australia, somebody is in Canada, beautiful houses, one house remains closed.

SMT. ALINA SALDANHA: Suppose it is my personal property, I should have the liberty to do what I please, when I please with what is mine. There should be no fear upon me because my house is falling the Government is going to take over.

SHRI PRATAPSING RANE: I have been a Revenue Minister for 5-6 years, then I was Chief Minister, Madam for these may be 20-23 years no objection has come only thing is I am worried.

5-2-2018

12.20 (1)

SMT. ALINA SALDANHA: If no objection comes then fine.

SHRI PRATAPSING RANE: Only thing I am worried. The requisition for 15 years Judiciary will put another fifteen years on it, so please make it ten years.

ADD. SECY LAW: That period can be reduced.

SHRI PRATAPSING RANE: That period you make it to ten years. Because Judiciary they will add another fifteen years.

SMT. ALINA SALDANHA: You keep it for five years.

ADD. SECY LAW: Five to seven years.

SHRI PRATAPSING RANE: I don't think that situation will ever come. Government will not acquire somebody's houses. That one house which was acquired, just one man came, he said he just want to see his ancestral house, he just came and went.

SMT. ALINA SALDANHA: They still have that link and that attachment.

SHRI PRATAPSING RANE: Only one man had come, long back. See there are lot of Goan houses which are such beautiful houses, they are falling apart. In Margao there are two similar houses. One is remaining permanently closed for the last 25 years.

CHAIRMAN: Select Committee was formed to discuss this. Based on that all elected representatives had to share their views. Today public is not going through the Bills.

SHRI PRATAPSING RANE: What I am saying, always we have given, saying that anybody has any say, on this they can be allowed. I don't think anybody will come. One or two people will come. We will go through it, examine it and leave it.

5-2-2018

12.20 (2)

CHAIRMAN: I think the main issue what she has taken is on every person's mind. Nothing else is there.

SHRI PRATAPSING RANE: Those 15 years, you please reduce it to 10.

SMT. ALINA SALDANHA: I think that may make people little more happy. Instead of 15 make it 5.

CHAIRMAN: 15 are good for people.

ADD. SECY. LAW: Atleast he/she is 100% sure that for 15 years, he will know that his land will be intact, and it is not acquired.

SMT. ALINA SALDANHA: Land I am 100% sure that Government will never give it back.

ADD. SECY LAW: No, no.

SMT. ALINA SALDANHA: Do you think Government will give back? Are there any instances where Government has given back?

SHRI PRATAPSING RANE: Yes, now that fellow has repaired it. Next to Grande Delhi's House. And next to Chief Minister's House, and next to that, it has been returned. It had been requisitioned. And behind that also there is a beautiful House. If you know there was one Tony D'Souza, Minister in Mr. Bhandarkar's Cabinet, he used to stay there.

SMT. ALINA SALDANHA: From Calangute?

SHRI PRATAPSING RANE: No, he was from Panaji. Souza Paul, from that family. He is a photographer, Souza Paul. He was a Minister in Bhandarkar, Cabinet. He used to stay there. That house is returned by the Government. Ministers Houses were built two three houses. There Mr. Sardinha and others used to say.

SMT. ALINA SALDANHA: What the Government does, when the House collapses? Build a new one?

5-2-2018

12.20 (3)

SHRI PRATAPSING RANE: Welcome.

SHRI ALEIXO REGINALDO LOURENCO: I had given my points.

CHAIRMAN: We finished now. We started at 11.00 a.m.

All of us finished talking, we have covered your points also.

SHRI ALEIXO REGINALDO LOURENCO: You are not asking for public suggestions?

05-2-2018

12.25 (1)

SHRI. ALEIXO REGINALDO LOURENCO: Ask for public suggestion.

CHAIRMAN: कित्याक पब्लीक सजेशन जाय ?

SHRI. ALEIXO REGINALDO LOURENCO: It's a right?

CHAIRMAN: आता तुमी घातला mainly what letter she has sent are the main issues of what public has been raising or have raised not knowing Act. The Act we have discussed in length between requisition and acquisition, how it is. All the members have cleared its doubts, we are clear on the report and in terms of every Bill, Mr. Marathe have cleared legally how thing stands. ताणे पळय रेज केला equisition and acquisition issue.

SHRI. PRATAPSING RANE: When the new Land Acquisition Act comes, I don't think the second one/old one remains.

ADDL. SECY (LAW): No. Sir, regarding the doubt you have raised that ...

SHRI. ALEIXO REGINALDO LOURENCO: The new acquisition comes under Centre no.

ADDL. SECY (LAW): Yes, that I am pointing out no. After the acquisition under this Act, you are entitled for compensation under Section 7 (5) b, as per the new Act. Page 11. So you are entitled under the acquisition Act. I agree that there is no social assessment and does not required because last 15 years as per the Act, land will be vest with the Government, as requisite the property. So, now those social impact and all those questions will not come. So only what remains for the new act is applicability is payment of the compensation. Which is been paid as per the new Act.

05-2-2018

12.25 (2)

SHRI. ALEIXO REGINALDO LOURENCO: At Centre, when there is law in place then how can you have another law?

ADDL. SECY (LAW): That is the reason we are suggesting the matter with the Centre Government no, for the President.

SMT. ALINA SALDANHA: Yes, that is important.

SHRI. ALEIXO REGINALDO LOURENCO: How?

ADDL. SECY (LAW): We have got the power to enact the law.

SHRI. ALEIXO REGINALDO LOURENCO: You have the power to supersede the Act?

SHRI. PRATAPSING RANE: No, you can't supersede, you can relax.

ADDL. SECY (LAW): Yes, relax.

SHRI. ALEIXO REGINALDO LOURENCO: So, where is the question of having another Act, when we have centre law, will overlap?

ADDL. SECY (LAW): No, once the President assent is given it will be applicable to our State. This Act, will be applicable.

05-2-2018

12.25 (3)

CHAIRMAN: ताका क्लीयर स्टेप व्हायज सांग ताचे आसा constitutionally whether you can do or no. Yes, you can do. No. 2, requisition and acquisition, his way of telling is requisition जेन्ना करता जाल्यार अँक्वीजिशन नव्या अँक्टाप्रमाणे कर. which is there already.

SHRI PRATAPSING RANE: Yes, there already. Old Act is compensatory.

CHAIRMAN: ताचे बेगिन सोपय जाले आमचे. तुजे डाव्हट क्लीयर कर.

SHRI. PRATAPSING RANE: टाईम लिमिट कितें करपाचे ?

ADDL. SECY (LAW): That is 15 years? Policy decision.

CHAIRMAN: १५ वर्सा आसल्यार it's still better नाजाल्यार land goes back to him.

SHRI. PRATAPSING RANE: No, what I am saying १५ वर्सा करच्या पेक्षा suppose I gives my land, house requisition and I want to for myself or relative or for friend or I want to sell it. Government requires it, we put a requisition, then I go to Court, you are allowing me to go to the Court, Court will take another 15 years to dispose the case. That's why I am saying make it 10 years. These cases will be very rare, in terms of houses not land. Most of the lands will be of litigations and all those things. Relatives and all, everybody get shares.

05-2-2018

12.25 (4)

SMT. ALINA SALDANHA: Yes, and to come to a decision to give the house will be not an easy decision.

SHRI. PRATAPSING RANE: It's an individual decision. Many houses are falling apart.

5-2-2018

12.30(1)

SMT. ALINA SALDANHA: Tell me one thing, supposing I have a house where I live a new house and I have my ancestral house where I may not be living on a regular basis but may be, I go there for my holidays, we open the house, we stay for the whole month. I am using that house also, so what happens in a situation like that?

SHRI PRATAPSING RANE: I don't think the Government will go on requisitioning every house in the State.

SMT. ALINA SALDANHA: No but it can be, a situation like that can happen.

CHAIRMAN: See, I am going back to my first statement. The type of money that is going for requisition or acquisition is quite substantial. Government does not go out of the thirteen items that are mentioned in the Bill. These thirteen items which exists Government has to make provisions to pay you. If you are not being paid the property goes back to you. If you are being paid the property is acquired other than the lease what has been paid to you during the requisitioned time.

SMT. ALINA SALDANHA: But Sir, not for everyone money plays a very important role. As it is my ancestral house I would not want to give it to anybody. I may be living in Margao and my ancestral house may be in Ponda, every month of May I go there.

CHAIRMAN: Madam, why are you boiling down on an ancestral house I am really not understanding.

SMT. ALINA SALDANHA: No.

5-2-2018
12.30 (2)

CHAIRMAN: You have spaces and lands of public utilities, please understand what we are trying to do because you are boiling down to a fear.

SMT. ALINA SALDANHA: It is a fear.

CHAIRMAN: Which can be in any person's mind which exists from Liberation and Independence, which was under acquisition and also exists under the Central Act of Acquisition if you are not taking this Bill also say for matter of discussion, you still have the Central Act which can acquire your ancestral house. Please understand, you are boiling down as if State Government is come with a Bill which was not existing from Independence to Liberation.

SMT ALINA SALDANHA: Tell me in how many instances houses have been taken over by the Government?

CHAIRMAN: That we will have to find out.

SMT. ALINA SALDANHA: I don't think. So there was no fear in the minds of the people but now this is again a new fear that has come up. You are not answering my question Sir. Please answer my question.

CHAIRMAN: See, we are not discussing this Bill per se. Say for example, can't the Central Act today acquire that same ancestral house?

SMT. ALINA SALDANHA: So, that means what happens to my right? My property, my right has no value? This is not fair.

ADDL SECY LAW: You have the right to take the compensation.

5-2-2018
12.30(3)

SMT. ALINA SALDANHA: This is not fair and I am not interested in the money that you may give me. I want my house.

SHRI ALEIXO REGINALDO LOURENCO: Let's take the other side of it. Say I am your enemy, I become a Minister and I acquire your land.

SHRI PRATAPSING RANE: It has to be stated for what public purpose. You have every right to go to Court and take another 20 years.

श्री. आलेशियो रेजिनल्डो लोरेन्सो: १० वर्सां जाय म्हणटा तो १० वर्सांनी परत सांगतलो आनीक १० वर्सां जाय म्हणून.

CHAIRMAN: Where it is said ten years?

ADDL.SECY LAW: Maximum 15 years.

CHAIRMAN: He is saying ten years then again ten years will be asked.

ADDL SECY LAW: No, there is no provision for that.

CHAIRMAN: Tell him that. Show me the provision for that?

SMT. ALINA SALDANHA: तुमी जमीन व्हरपाक सोदतात न्हू बरे आसा पूण म्हजे घर तुमी सोडात. But if I am possessive about my ancestral house, I am talking about ancestral house only because you know there are so many emotions involved in an ancestral house if the Government just walks over and takes the house how will it be?

5-2-2018
12.30 (4)

SHRI PRATAPSING RANE: Madam, I will tell you this is my 46th year in the Assembly. The one house I acquired nobody came. Not requisitioned, I acquired the Chief Minister's bungalow, nobody has objected.

SMT. ALINA SALDANHA: That is what I am saying, if they have no objection fine but if somebody has objection not even on basis of money or any economic reasons but purely emotional reasons.

5-2-2018

12.35 (1)

SMT. ALINA SALDANHA CONTD

Because it is my ancestral house. Most of the ancestral houses had joint families, so there are so many families, the House is important to me, and I don't want the money which the Government is giving.

CHAIRMAN: I think you are going away from the subject, from Act to emotions.

SMT. ALINA SALDANHA: No.

CHAIRMAN: Yes.

SMT. ALINA SALDANHA: That means the Act is not going to consider what I feel about my own property.

CHAIRMAN: Because if this Act is also not in place, acquisition goes straight away. This gives you a scope of requisition and acquisition.

SMT. ALINA SALDANHA: That means there is cloud of suspense over us.

CHAIRMAN: It is not Government of Goa, and it is not Government of India. It is not BJP and Congress. It has been universally from the time it has been.

SMT. ALINA SALDANHA: I don't know. But all this while we were not aware.

CHAIRMAN: Anyway I take cognizance of your emotions.

SMT. ALINA SALDANHA: No it is not emotions.

CHAIRMAN: Now as per your letters, all your doubts have been cleared in terms of the requisition and the acquisition. You'll prepare the Select Committee Report.

5-2-2018

12.35 (2)

SMT. ALINA SALDANHA: My only request is, about the House, it should be left to the owners. If he wants to give it, we take it. Otherwise we should not forcibly take it. That is my view.

SHRI PRATAPSING RANE: But where it has happened in Goa, for the last 40-60 years.

SMT. ALINA SALDANHA: I know it has not happened, that is why this fear was not there.

SHRI PRATAPSING RANE: Tell me where?

SMT. ALINA SALDANHA: I am not aware.

SHRI PRATAPSING RANE: Give me one example.

CHAIRMAN: Tell me where it has happened?

SHRI ALEIXO REGINALDO LOURENCO: अँक्रीजीशन करी नासताना तिचे भाट पॉलिटीशनांनी फुकट खाल्ला. कोण इंडस्ट्री घालता कोण आनीक कितें घालता, why that law was made? So that people don't acquire. Atleast acquiring becomes difficult. उठसूट कोणूय उठता आनी जाय तेकरता.

SHRI PRATAPSING RANE: She is talking about the ancestral House.

SHRI ALEIXO REGINALDO LOURENCO: Yes ancestral house only.

SHRI PRATAPSING RANE: Not a single house has been acquired.

SMT. ALINA SALDANHA: Land I feel if the Government has a genuine need for it, we have to give. But a House I think we will have to think.

CHAIRMAN: I think we are pulling the House unnecessarily, where it does not have a mention anywhere.

SMT. ALINA SALDANHA: That means no house will come under that.

5-2-2018

12.35 (3)

CHAIRMAN: Neither there is any house in the mind, that is why the Act has been introduced. Act is having certain items which are coming under the scope. This Act is very clear on acquisition and requisition. And how the acquisition process is, and how the requisition process is, I think we have cleared all your doubts by now. Now let us not get back into one point, which has never been done in the past. Which otherwise will lead only to acquisition and not requisition. If we don't take this.

SMT. ALINA SALDANHA: That is what I am saying now. See you are again just threatening me. If this is not going to be this, then it is going to be that. I am in trouble anyway, with my own property.

CHAIRMAN: It is not we introducing it today Madam.

SMT. ALINA SALDANHA: I am not bothered about land. If you want take it.

CHAIRMAN: Please understand, the Select Committee which we are sitting to deliberate on Acquisition and Requisition, has no say on the acquisition which is already existing. Please understand what I am saying.

SMT. ALINA SALDANHA: But who decides the need.

CHAIRMAN: The Government decides it.

SMT. ALINA SALDANHA: Precisely, the Central Government.

CHAIRMAN: Central Government also can decide, why not.

SMT. ALINA SALDANHA: That is very rare.

CHAIRMAN: This is also very rare.

SMT. ALINA SALDANHA: Hopefully the State Government.

5-2-2018

12.35 (4)

CHAIRMAN: You'll prepare the Select Committee report.

SMT. ALINA SALDANHA: Anyway I hope we don't come to a situation like that. And it does not apply to flats?

SHRI ALEIXO REGINALDO LOURENCO: Any objections/suggestions has to come to the Select Committee on this from the public.

U/SECY: You can do it, but it is for the members to decide.

SMT. ALINA SALDANHA: If we put it to the public then I think it will be more chaotic. We have to decide amongst us.

CHAIRMAN: We have to decide on this amongst us, that is why we the Legislators are sitting. If you want to open everything to the public then public should be sitting here. Then you don't need a Select Committee here. Select Committee is hearing grievances and I appreciate what Alina had put forward, she has put every point which is a fear point. And as far as the Act is concerned where the thing is, केरळाचो पॉईन्ट घाला तो क्लीयर जालो. अक्कीजीशनाचो आनी रॅकव्हीजीशनाचो पॉईन्ट क्लीयर जालो, सरान घातिल्लो पॉईन्ट क्लीयर जालो. I think this is overall from the people who has gone through the Act.

ANNEXURE – III

NOTE DATED 09-07-2018 FROM ADDITIONAL SECRETARY LAW

NOTE

The Goa Requisition and Acquisition of Property Bill, 2017 (for short, Bill, 2017) came to be introduced on the floor of the house in the monsoon session held in July, 2017 and the same was referred to the Select Committee. The Select Committee with due deliberation submitted proceedings of the Select Committee which was held on 05-02-2018 at 11:00 a.m. to all the members of the last meeting which was scheduled on 04-07-2018 at 11:00 a.m. Now, the meeting is scheduled on 11-07-2018 at 4:00 p.m.

2. During the last meeting, the Hon'ble members of the Select Committee posed certain questions. The salient features of the Bill, 2017 are stated here in below:–

3. In order to interpret the enactments in question, it is necessary to look at the preamble to the Act. The preamble of the Bill, 2017 provides for requisition and speedy acquisition of property for certain purpose not being the purpose of the Union. So it is evident that requisition and speedy acquisition of property is for the purpose of the State and not for the Union. Preamble though does not control the statute, is an admissible aid to the construction thereof. The Central Government is already having an enactment, namely, Requisitioning and Acquisition of Immovable Property Act, 1952 for the purpose of the Union.

4. Clause 4 of the Bill, 2017 speaks about right over requisition of property. In normal para lines, requisition of property is being taken by an authority, either by the State or any other authority which is temporary in nature and during the requisition of said property, the owner of the property so requisitioned is entitled for a compensation as he is deprived the fruits of the property which he was otherwise enjoying. As per the proposed Bill, 2017, the maximum period of requisition of the property is 01 year to 15 years and if the Government does not acquire the said property, same has to be released to the original owner from whom the property was requisitioned in terms of clause (2) of clause 5 of the Bill, 2017.

5. While requisitioning the property, the Government or the Collector who is passing an Order has to convince himself the public purpose as defined under clause 2m (d) (i) to (xiii) and also the same property can be requisitioned for,–

(a) sanitary improvements of any kind including reclamation;

(b) laying out of village sites, townships or the extension, planned development or improvement of existing village sites or townships;

(c) town or rural planning under any law relating to such planning.

6. In the present case, the public purpose shall mean and include the purposes as stipulated at (a) to (d) (i) to (xiii). If the public purpose as stipulated in the above definition clause does not come within its purview, then the requisition will be void and the party can seek the declaration to this effect by filing an Appeal from an Order of requisition made under section 3 of the Act to the Government under clause 10 of the Bill, 2017.

7. A question was posed as to whether before the requisition of property, consent of the owner is mandatory or not. In this respect, attention of the Hon'ble members is invited to the fact that in a case of State of U.P. and others V/s Manohar, (2005 2 SCC 126), the Apex Court observed in para 7 that, "ours is a constitutional democracy and the rights available to the citizens are declared by the Constitution. Although Article 19(1) (f) was deleted by the Forty-fourth Amendment to the Constitution, Article 300-A has been placed in the Constitution, which reads as follows:

"300-A. Persons not to be deprived of property save by authority of law.- No person shall be deprived of his property save by authority of law."."

Right to property in the Constitution was replaced by right to compensation. As such, right to property is no more a fundamental right. Accordingly, the petitioner does not have right to the land, but may have right to compensation in respect of the land (see Writ Petition No. 228 of 2013 decided on 19-11-2013).

8. As such, the question of taking the consent of the owner before the requisition of his property does not arise. In case Government desires to continue beyond 15 years, the same property has to be acquired. For the purpose of acquisition of the property which is already requisitioned under section 3 during the period of 15 years or beyond it, the Government has to adhere to the provision of section 6 which provides power to acquire requisitioned property. Further, the party is also entitled, i.e. original owner whose property is requisitioned or acquired is entitled for compensation and determination of the compensation and its method is laid down in clause 7 of the Bill, 2017. If a person is aggrieved by the Award passed for the compensation made by the Arbitrator, he has a right to make reference to the court in terms of clause 8 of the Bill, 2017.

9. In view of the above position, the salient features as quoted hereinabove be brought to the notice of the Hon'ble members of the Select Committee.

(S. G. Marathe)

Addl. Secretary (Law)

09-07-2018

ANNEXURE – IV

As amended to the Definition “public purpose” as defined in clause 2(m)

The purpose of which can be categorised in following categories which can be included as public purpose.

Sr. No.	Category	Infrastructure Sub-Sectors
1.	Transport	<ul style="list-style-type: none"> • Roads and Bridges including land for construction of culverts, widening of existing roads. • Airports and allied activities. • Public Transport
2.	Energy	<ul style="list-style-type: none"> • Oil Pipelines • Gas Pipelines
3.	Water and Sanitation	<ul style="list-style-type: none"> • Solid Waste Management • Water supply pipelines • Water treatment plants • Embankments for water ways and water bodies. • Sewerage collection, treatment and disposal system including Toilets
4.	Communication	<ul style="list-style-type: none"> • Telecommunication (Fixed Network) • Laying of cables for telecommunication and related infrastructure.

ANNEXURE – V

As drafted by Law Department

2(m) “public purpose” shall mean and include the provision of land for,-

- (i) road, bridge, culvert and widening of existing road;
- (ii) airport and allied activities;

- (iii) public transport;
- (iv) laying of pipeline for supply of gas, oil and water;
- (v) solid waste management;
- (vi) water treatment plant;
- (vii) embankment for water ways and water bodies;
- (viii) sewerage collection, treatment and disposal system including toilets;
- (ix) telecommunication (fixed network); and
- (x) laying of cables for telecommunication and related infrastructure.

ANNEXURE – VI

VERBATIM PROCEEDINGS OF THE SELECT COMMITTEE ON THE GOA REQUISITION AND
ACQUISITION OF PROPERTY BILL, 2017.

DATED 17-07-2018

The meeting of the Select Committee on the Goa Requisition and Acquisition of Property Bill, 2017 was held on Tuesday, the 17th July, 2018 at 4.00 p.m. in the PAC Room, Goa Assembly Complex, Porvorim Bardez Goa.

The following were present:-

1. Shri Rohan Khaunte, Hon. Revenue Minister	Chairman
2. Shri Pratapsing Rane	Member
3. Shri Aleixo Reginaldo Lourenco	Member
4. Shri Filipe Nery Rodrigues	Member
5. Smt Alina Saldanha	Member
6. Shri Nilesh Cabral	Member
7. Shri Carlos Almeida	Member
8. Shri Prasad Gaonkar	Member

GOA LEGISLATURE SECRETARIAT

1. Shri N. B. Subhedar, Secretary Legislature.
2. Shri Hercules Noronha, Under Secretary, Legislature.
3. Shri Mohan Gaonkar, S. O. Legislature.

OFFICERS

1. The Secretary (Law).
2. The Addl. Secretary, Law.
3. The Secretary, Revenue.

17-7-2018

4.20 (2)

CHAIRMAN: A very good evening to the Members of the Select Committee to discuss on the Requisition & Acquisition Bill, 2017. In the last few meetings, for the information of our Members Nilesh Cabral and Prasad Gaonkar, there have been lot of deliberations on the issue of 'public purpose'. 'Public purpose' was some topic which in the last meeting we came to a conclusion that we have to relook at 'Public purpose' and do something which we can do as defined. If you refer to page 3 on the 'public purpose', there are about 13 items which we are taking requisition and acquisition and basically adopting this particular Bill in this particular session. These were taken for discussion and after coming to all these particular issues, I am considering the thought process of the Members, which they have thought about when it came to the issue

of defining public purpose. 'Public purpose' does not find any mention in the Central Act, so it is quite vast, anything can be 'public purpose'. In the State we have defined 13 items under the Act. Now, there were reservations from certain Members of this Committee that they still felt that we needed to further clarify what the sequence is and how we need to go about. After deliberating and after putting across and getting some representations from Alina & Reginaldo, I think we have boiled down to categories and the infrastructure sub sectors of what we feel can be taken, to keep a very clear thought process of what the Bill is and what the 'public purpose' is. Please circulate this draft Bill.

(Circulates the draft Bill)

17-7-2018

4.20 (3)

So now I will just read it out. Whatever has been put as 'public purpose' for 1 to 13 it is read now as Category – Transport which includes three sub sectors i.e. Roads & bridges including land for construction of culverts, widening of existing roads. Airports, Urban Public Transport. Under Energy – Oil pipelines and Gas Pipelines. Water & Sanitation – Solid Waste Management, Water Supply pipelines, Water treatment Plants, Sewerage collection, treatment and disposal system including toilets.

17-7-2018

4.25 (1)

(Chairman contd.)

Communication which includes telecommunication fixed network and laying of cables for telecommunication and related infrastructure. I think these are four broad categories, which are very clear on the areas which we will take as Public Sectors. Public purpose. Now there is one issue which needs discussion, I think we should put it across. We have the social and commercial infrastructure. Social and Commercial infrastructure will include Educational Institutes, Hospitals, Tourism, Agriculture Animal Husbandry and Sports.

SHRI ALEXIO REGINALDO LOURENCO: Now the whole section 2 (m). 2 (m) will be read as this, what you gave.

CHAIRMAN: 2 (m), सगळे तेरा आयटम काड आता.

SHRI NILESH CABRAL: Sorry I was not there for the last meetings. Tell me, you have given stress on all this.

CHAIRMAN: Roads, we have already said widening of existing roads. That means new roads. We have given stress on widening of roads.

SMT. ALINA SALDANHA: Road are new roads.

SHRI NILESH CABRAL: Why you have said, widening of existing roads.

CHAIRMAN: The new roads and existing roads also.

SHRI NILESH CABRAL: Widening means part of existing roads.

CHIEF SECY: Major part will be roads and bridges. It is a classification between any road and bridge, a sub-classification and making it more specific becomes –widening of these roads, which has to be classified as new roads

CHAIRMAN: सामके क्लियर केला.

17-7-2018

4.25 (2)

SHRI PRATAPSING RANE: Mr. Chairman when we talk of roads, widening and construction of new are two different things. There is no need of widening for the new roads.

श्री. आलेशियो रेजिनार्लो लॉरेन्सो: व्हायडनिंग आनी एड्जीस्टिंग म्हटले म्हणून तो आवडू जालो.

SECY(REV): Then we won't write this.

CHAIRMAN: We will keep widening of existing roads.

CHIEF SECY: Sir, what we have done is, (Referred the Central Act) Roads and bridges- 'During the construction of the roads' the word construction will be there, 'widening of these roads'. It is a sub-category. There is some confusion there.

SMT. ALINA SALDANHA: It has to be for specific purpose. Because very often existing roads are too narrow and you need widening it.

SHRI ALEXIO REGINALDO LOURENCO: Be more specific.

SMT. ALINA SALDANHA: Widening of existing road.

SHRI NILESH CABRAL: When you read it, he also felt, I also felt. It is not very clear. When you write this you must say - Widening of existing roads, culverts.

SMT. ALINA SALDANHA: Yes.

CHAIRMAN: Marathe, legally this is proper?

ADD. SECY(LAW): I don't think there is any problem.

CHAIRMAN: Only water and sanitation, sewerage collection, treatment and disposal system, including toilets. Do we have to say again- 'Sewerage Treatment' or Treatment?

CHIEF SECY: Sewerage Collection you can say.

CHAIRMAN: Collection, disposal and treatment.

17-7-2018

4.25 (3)

CHIEF SECY: Sir what happens sometimes, you need collection points.

CHAIRMAN: Correct.

SHRI NILESH CABRAL: See I just want some clarification. Here in infrastructure Sub-Sectors. Solid Waste Management, water supply pipelines, water treatment plants, sewerage collection, treatment and disposal system including toilets. Now what do you mean by water supply pipelines?

SMT. ALINA SALDANHA: Laying of water pipelines.

CHIEF SECY: I got some explanation Sir. Some are text book requisitions. (Hindi) do the requisition of the land, you take the right of it. (Hindi) so the property is not distracted. So these are text book requisitions. Chances are there that you never have to convert it to requisition. Unless somebody says, that wait a minute I want this to be removed.

17-7-2018

4.30 (1)

SHRI NILESH CABRAL: Sir my request is we have water bodies, many water bodies. Wherein, the old system what use to happen? In every field, irrigation dam, everything here water bodies were made like big ponds. Like these ponds are not acquired, like in my Constituency.

C.S: Sir, it's on common land.

SHRI NILESH CABRAL: What about that land, with that pond? Will that come for acquisition?

SMT. ALINA SALDANHA: Which one?

SHRI NILESH CABRAL: Water pond.

SMT. ALINA SALDANHA: Nallas?

SHRI NILESH CABRAL: Yes, Nallas.

C.S: Those are public. That land belongs to the Government, Sir.

SMT. ALINA SALDANHA: Nallas have set back also.

SHRI NILESH CABRAL: Yes I know it belongs to the Government but in some cases, water bodies have selenium.

C.S: Let it be.

CHAIRMAN: No, no I will tell you what he is saying. वयल्यान उदक शेतान वता म्हणून जेन्ना नाला बांधता जाल्यार नालाचे सायडिक रिटेनिंग वॉल बांधपाक you need NOC's from the individual person's as a requisite of PWD and WRD. So, in that case, I believe he is saying in that case.

SMT. ALINA SALDANHA: I think, we could include that.

17-7-2018

4.30 (2)

SHRI NILESH CABRAL: Yes, include.

SMT. ALINA SALDANA: Yes.

CHAIRMAN: That is a very genuine issue, तो घेवक ना.

SHRI NILESH CABRAL: Water ways, water ponds.

SMT. ALINA SALDANHA: Constructions of retaining walls and nallas and ponds.

C.S: Can do embankments.

CHAIRMAN: So, that takes care of this, embankments.

SHRI NILESH CABRAL: And water bodies?

C.S: Border the water bodies.

SMT. ALINA SALDANHA: That comes under which headings?

SHRI ALEIXO REGINALDO LOURENCO: Under Transports.

CHAIRMAN: Bus stand, Bus bays, Bus stops, everything.

ADDL SECY (LAW): रुरलाक कंदबा बस स्टेन्ड बांधता न्हय, so here public transports include everything, Sir.

SHRI NILESH CABRAL: Here we can't acquire for sanitation.

ADDL SECY (LAW): पब्लीक ट्रान्सपोर्ट घालूया अर्बन नाका.

SHRI NILESH CABRAL: Yes, urban and/rural transport.

ADDL SECY (LAW): पब्लीक ट्रान्सपोर्ट includes everything.

17-7-2018

4.30 (3)

SHRI NILESH CABRAL: Remove urban.

ADDL SECY (LAW): Ok, अर्बन काडूया.

SHRI NILESH CABRAL: तें इन्क्ल्यूड करता न्हय monuments, amendments to waterways, ponds, lakes?

ADDL SECY (LAW): हय.

SMT. ALINA SALDANHA: Can I just ask for some clarification on Urban Public Transport? What would that include?

CHAIRMAN: Urban Public Transport normally includes all bus stands, bus bays, bus stops. Public Transport takes care of urban and rural?

ADDL SECY (LAW): Yes.

CHAIRMAN: Then you take out Urban and put only public transport.

ADDL SECY (LAW): Yes.

C.S: Metro?

CHAIRMAN: Public transport. You can make it Airport and allied services.

SMT. ALINA SALDANHA: Under what?

CHAIRMAN: Under Transport.

17-7-2018

4.35 (1)

SMT. ALINA SALDANHA: Airport is a big term.

SECY(LAW): Airport and allied activity because sometimes you have to create a funnel zone and lot of buildings come up later. So we keep for funnel zone.

SMT. ALINA SALDANHA: As far as funnel needs are concerned I think they have been settled at least at the Dabolim airport. So what are we talking about?

SHRI PRATAPSING RANE: They are talking of the Mopa airport.

SECY(LAW): Dabolim the alignment of the highway we have achieved. That is very different from the terminal. The land use has to change. We are already building a second runway.

SMT. ALINA SALDANHA: I think airport should come under the Central Act.

CHAIRMAN: Is it necessary?

SMT. ALINA SALDANHA: Not necessary.

CHAIRMAN: I think other than this, we have already broken down to make 'public purpose' very simplified to what we have spoken. Only one thing which needs to come for discussion is whether to take or not to take because later we cannot do any further things for social and commercial infrastructure. That includes Educational Institutes, that includes hospitals, that includes Tourism that includes Sports, that includes Agriculture and that includes Animal Husbandry.

SHRI NILESH CABRAL: Education Institutes is a Government set up.

17-7-2018

4.35 (2)

SHRI ALEIXO REGINALDO LOURENCO: No because it is a Requisition and Acquisition Act.

CHAIRMAN: To requisite they were having issues. So I will only say Education Institutes, Hospital, Tourism, Agriculture, Animal Husbandry and Sports have been discussed but not taken in the present Bill because of the apprehensions of few Members.

SMT. ALINA SALDANHA: Yes.

SHRI NILESH CABRAL: I am sorry I was not there for the earlier meetings, now I have a right to discuss. My thing is very clear when Education Institutions are looked after by the Government why should we not take it up. You explain to me. At Sanguem 8 lakhs sq.mts. Government land is there

SMT. ALINA SALDANHA: Nothing stops you from acquiring that. You can go ahead and do it but not under Requisition Bill.

SECY(LAW): What we are leaving out is the security infrastructure. Actually, Police Station and all is required. Fire Police Station and Disaster Management are the three main to be included.

CHAIRMAN: Even I have taken out rehabilitation. Because when it came to rehabilitation I had some apprehension. See if you go by No. 5 on Page 3 for Housing poor and all displaced persons and persons residing in the areas affected by the landslides and for similar other natural calamities. This was taken then Alina had a problem on the housing, so I have taken the whole thing out.

SECY(LAW): If you say 5, No. 14 - for security and safety infrastructure it would be Police Station, Fire, Disaster Management.

17-7-2018

4.35 (3)

Here you need requisition because you need immediate action. Supposing for a particular fair you need one permanent Police Station I will just requisition a property if I find a property for a Police Station I will construct it because penetration of the police must be there.

CHAIRMAN: For me today I am trying for a Day Care Centre I am not getting land. So even if I want to requisition and take a space under Hospital or something. म्हाका जागो ना. पूण सोड, मागीर पळोवया.

17-7-2018

4.40 (1)

SHRI NILESH CABRAL: Coming to Educational and Police...

CHAIRMAN: I think those three categories, Fire, Disaster Management we can add to the Social and Police infrastructure.

ADD. SECY(LAW): It is not social.

CHAIRMAN: Not social, what is the word you have used.

CHIEF SECY: It is Security and Safety infrastructure. Because lot of MLAs have asked the question of when Police Station will be opened. What I am saying is open a Police station, while the Police station is being built. Or requisition a building.

SHRI ALEXIO REGINALDO LOURENCO: What I am saying, in the Central Act there is already provision. And the Central Act is already in force over here.

CHIEF SECY: I am talking about this.

SHRI ALEXIO REGINALDO LOURENCO: That fire and everything is defined in it.

SHRI NILESH CABRAL: He is well versed with it. Please tell me.

SHRI ALEXIO REGINALDO LOURENCO: See for armoury and everything it is defined in that Act. Central Act.

SECY(REV.): Army is separate. This is State Requisition.

CHAIRMAN: Central Act does not define the word "public purpose". It is anything and everything below the sun. Now we have made this public purpose defined so it was only categorically 13 items. Last five meetings we have been only coming and discussing on the issue of public purpose. Rane Sir, was also convinced on the whole public purpose issue. But there are apprehensions of Alina, Reginaldo regarding certain particular points.

17-7-2018

4.40 (2)

SHRI NILESH CABRAL: I am asking the same thing. Why not Educational Institution. Like they said now Fire station, Police station. What is wrong in that.

CHAIRMAN: For safety we can take under that.

SMT. ALINA SALDANHA: See nothing is wrong with it. But we must remember that we are acquiring people's land.

SHRI NILESH CABRAL: Let it be.

SMT. ALINA SALDANHA: Let it be, you cannot say that.

SHRI NILESH CABRAL: May be in your Constituency there is lot of infrastructure for Education. Where do we have? Why we should suffer.

SMT. ALINA SALDANHA: Who told you to suffer? Go through the procedures, of acquiring the land.

CHIEF SECY: Sir, clause 8 is for strategic purposes. That is the only difficulty I have relating to Naval, Airforce, Military, Armed forces of the Union, including Central para Military or any war vital to National Security or defence of India, or State Police Authority. So that is included. Disaster is covered in it.

SHRI ALEIXO REGINALDO LOURENCO: Yes. Because I read it. What about this Fire....

CHIEF SECY: It comes under Safety Disaster.

SHRI FILIPE NERI RODRIGUES: I want to say something with your permission. These are the strategic purposes which are mentioned.

17-7-2018

4.40 (3)

CHAIRMAN: These are replacing all the public purposes which were talked about.

SHRI FILIPE NERI RODRIGUES: Which were discussed in the last four meetings. So these are the specific purposes. Reginaldo you are satisfied with this.

SHRI ALEXIO REGINALDO LOURENCO: Yes.

CHAIRMAN: Only few things are added in this. Embankment of the nullahs. That is done.

SECY(REV.): Yes.

CHAIRMAN: Construction of waterways and embankment that comes under safety.

SHRI PRATAPSING RANE: Reginaldo, this Social and Commercial infrastructure covers Education also.

SHRI ALEIXO REGINALDO LOURENCO: But we are not putting in that.

17-7-2018

4.45 (1)

SHRI NILESH CABRAL: My point is Education. See what they have apprehensions, may be they are coming from the Constituencies where there are all developed Institutes but we are not having lands to put such Institutes.

SMT. ALINA SALDANHA: Where we have developed Institutes?

SHRI ALEIXO REGINALDO LOURENCO: It does not mean that. You are trying to say that there are no Education Institutes, so it does not mean that we have but at the same time public interest is more important for us. That is why we are doing it.

SHRI NILESH CABRAL: Education is what, Education is...

SHRI ALEIXO REGINALDO LOURENCO: You just can't go and acquire somebody's agriculture land.

SHRI NILESH CABRAL: Land for bus stand, transportation can be acquire for public.

SHRI ALEIXO REGINALDO LOURENCO: Use it that way, no problem.

SMT. ALINA SALDANHA: See, Education infrastructure calls for huge area of land. Ok, of course, now you are talking about a school. Now you cannot compare a school to a bus stop.

SHRI NILESH CABRAL: Bus stand.

SHRI ALEIXO REGINALDO LOURENCO: No, no say that it is temporary. The whole thing is for requisition for few years and this requisition is for fifteen years.

17-7-2018

4.45 (2)

SMT. ALINA SALDANHA: The Act says that after 15 years the Government may acquire or acquisition follows requisition. What comes first, requisition?

SHRI ALEIXO REGINALDO LOURENCO: We should go for judicial review.

SHRI PRATAPSING RANE: Mr. Reginald, May I say something?

SHRI ALEIXO REGINALDO LOURENCO: Say.

SHRI PRATAPSING RANE: Liberation of Goa was in 1961 and till today we have built so many things, including this building everything has been acquired. Why we need this?

SMT. ALINA SALDANHA: Yes, why we need this, let us go the way it is.

SHRI PRATAPSING RANE: We have been liberated in 1961.

SMT. ALINA SALDANHA: And we managed, without this.

SHRI PRATAPSING RANE: Now, how many years have passed? We have acquired so many things, including this building here. We are trying to be very specific because of the Bill, it's alright but don't go on including every single thing, it will be confusing.

SMT. ALINA SALDANHA: We have to be careful. See we must remember no, this requisition and acquisition whatever it may be it is a property Bill only to somebody else not to us. If it belongs to us, we can decide.

17-7-2018

4.45 (3)

THE CHAIRMAN: I thank all of you for having good debates in the last 4-5 meetings and coming down and boiling to a very conclusive point. All the points which we have discussed under transport, energy, water, sanitation and communications are the once which were taking as a replacement of the earlier public purpose which was defined this is being replaced to the earlier public purpose which was defined and will be adopted in this Bill which is being placed in the Select Committee. I request you all to, numinously support this particular Bill and I am sure that the development works of the State will get going in the interest of Goa.

Meeting adjourned at 4.50

LA/LEGN/2018/1091

The following bill which was introduced in the Legislative Assembly of the State of Goa on 2nd August, 2018 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Fifth Amendment) Bill, 2018

(Bill No. 17 of 2018)

A

BILL

further to amend the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Goa Act 20 of 2004).

Be it enacted by the Legislative Assembly of Goa in the Sixty-ninth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Fifth Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the first day of April, 2018.

2. *Amendment of section 3.*— In section 3 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Goa Act 20 of 2004) (hereinafter referred to as the “principal Act”),—

(i) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that, the amount payable as salary and daily allowances shall be increased from time to time, at the rate arrived after deduction of the rate of dearness allowance as was applicable on the first day of April, 2012, from the rate of dearness allowance as notified from time to time, in terms of the Sixth Central Pay Commission’s Recommendations.”;

(ii) in sub-section (2), for the expression “Rs. 1,500/- (Rupees one thousand and five hundred only)”, the expression “Rs. 3,000/- (Rupees three thousand only)” shall be substituted.

3. *Amendment of section 9.*— In section 9 of the principal Act, the following proviso shall be inserted, namely:—

“Provided that, the amount payable as constituency allowance shall be increased from time to time, at the rate arrived after deduction of the rate of dearness allowance as was applicable on the first day of April, 2012, from the rate of dearness allowance as notified from time to time, in terms of the Sixth Central Pay Commission’s Recommendations.”.

4. *Amendment of section 11.*— In section 11 of the principal Act, before the first proviso, the following proviso shall be inserted, namely:—

“Provided that, the amount payable as pension shall be increased from time to time, at the rate arrived after deduction of the rate of dearness allowance as was applicable on the first day of April, 2012, from the rate of dearness allowance as notified from time to time, in terms of the Sixth Central Pay Commission’s Recommendations.”.

5. *Amendment of section 14.*— In section 14 of the principal Act, in sub-section (3), for the expression “Rs. 6,000/-”, the expression “Rs. 7,500/-” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In view of increasing price rise and considering the present level of price index, it is proposed to increase salary, allowances, pension, etc., payable to the Members of the Legislative Assembly.

Accordingly, the Bill seeks to amend sections 3, 9 and 11 of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 2004 (Act 20 of 2004) (hereinafter referred to as the “said Act”), so

as to increase the monthly salary, daily allowance, constituency allowance and pension payable to Members of the Legislative Assembly at the rate arrived after deduction of the rate of dearness allowance as was applicable on the first day of April, 2012, from the rate of dearness allowance as notified from time to time, in terms of the Sixth Central Pay Commission's Recommendations.

The Bill further seeks to enhance the amount payable to a member for each day of duty in lieu of accommodation to be provided to him from present rupees one thousand five hundred to rupees three thousand.

The Bill also seeks to amend section 14 of the said Act, so as to increase the travelling allowance payable to a member in lieu of accommodation/stay during his travel outside State in the capacity of committee member or in a official capacity, from present rupees six thousand to rupees seven thousand five hundred,

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The present Bill involves financial implications on account of enhancement in the monthly salary, daily allowance, travelling allowance and constituency allowance payable to Members of the Legislative Assembly and pension payable to former members and their dependants, to the tune of Rs. 660 lakhs per year, approximately.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

MANOHAR PARRIKAR
Porvorim, Goa. Chief Minister/Minister for Law,
1st August, 2018. Judiciary and Legislative
Affairs.

Assembly Hall, (N. B. SUBHEDAR)
Porvorim, Goa. Secretary to the Legislative
1st August, 2018. Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Smt. Mridula Sinha, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Fifth Amendment) Bill, 2018, by the Legislative Assembly of Goa.

(MRIDULA SINHA)
Governor of Goa.

ANNEXURE

Extract of sections 3, 9, 11 and 14 of the Goa Salary, Allowances and Pension of the Members of the Legislative Assembly Act, 2004 (Act No. 20 of 2004).

Section 3

3. *Salaries and daily allowances.*— (1) A member shall be entitled to receive salary at the rate of *ten thousand rupees* per month during his term of office and shall also be entitled to receive daily allowances at the rate of two thousand rupees for each day during any period on duty.

Explanation.— Daily allowance shall be admissible to a member for each day on duty irrespective of the time of his arrival or departure.

(2) A member shall be entitled for an amount of Rs. 1,500/- (Rupees one thousand and five hundred only), for each day on duty in lieu of the accommodation provided under section 13.

Section 9

9. *Constituency allowance.*— Notwithstanding anything contained in any other law for the time being in force, there shall be paid to each member a constituency allowance at the rate of ninety thousand rupees per every calendar month or a part thereof, during the term of the Assembly.

Section 11

11. *Pension.*— (1) Subject to the other provisions of this Act, with effect from the 1st day of July, 2004,

there shall be paid to every person who has been a member, a pension of rupees fifteen thousand per mensem for the first year and two thousand rupees per month for every successive year of his membership in the Assembly subject to a maximum of rupees seventy thousand per month and while reckoning the period of one year, days exceeding 180 days in a calendar year shall be counted as one year:

Provided that the members of the First Legislative Assembly, the members nominated to the Second Legislative Assembly and the members of the Sixth Legislative Assembly elected from the constituencies of Daman and Diu, of the then Union Territory of Goa, Daman and Diu, and who have served as such members for a period which falls short of five years, shall be deemed to have completed a term of five years and be paid pension accordingly:

Provided further that pension shall also be paid to the members nominated to the Sixth Legislative Assembly:

Provided also that the said members of the Sixth Legislative Assembly elected from the constituencies of Daman and Diu shall not draw the pension as long as they serve as Councillors of the Union Territory of Daman and Diu:

Provided also that after the death of the person as aforesaid, the pension shall be payable to his widow or her widower, as the case may be, as long as she or he does not remarry and after the death of the widow or widower, as the case may be, the pension shall be payable to the dependent family members of the person as aforesaid till they attain the age of 25 years and to unmarried dependent daughter till she gets married or till her death, whichever is earlier, and such pension shall be payable subject to the provisions in the succeeding sub-sections of this section and the other provisions of this Act.

(2) The pension payable to a person under sub-section (1), in case there be any outstanding amount or loan or any facilities availed under this Act, it shall be first adjusted towards repayment of such outstanding amount or loan or any facility availed of, including interest payable thereon, till such entire outstanding amount or loan or facility is cleared.

(3) Where any person entitled to pension under sub-section (1) –

(i) is elected to the office of the President or Vice-President or is appointed to the office of the

Governor of any State or the Administrator of any Union Territory; or

(ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State; or

(iii) is employed on a salary under Central Government, or any State Government or any Corporation owned or controlled by the Central Government or by any State Government or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority, such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed, or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed or whom the remuneration referred to in clause (iii) payable to such person is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.

(4) Where any person entitled to pension under sub-section (1) is also entitled to any pension from the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government, or any local authority under any law or otherwise, then,

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section:

Provided that any pension (whether known as Swantantra Sainik Samman pension or by any other name) received by such pensioner as a freedom fighter or any pension received by such pensioner as a teacher in an aided educational institution shall not be taken into

account for the purpose of this sub-section and such person shall be entitled to receive such pension in addition to the pension to which he is entitled under sub-section (1).

(5) In computing the number of years for the purpose of sub-section (1) the period during which a person has served as a Minister as defined in the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965) or as a Speaker or Deputy Speaker as defined in the Goa Salaries and Allowances of the Speaker and Deputy Speaker Act, 1964 (Act 4 of 1965) shall also be taken into account.

Section 14

14. *Travelling allowance.*— (1) In respect of every journey performed by a member for attending to any official business connected with his duties as a member outside the State, he shall be entitled to travelling allowance from his usual place of residence to such place where the business is to be transacted and for the return journey from such place to his usual place of residence, the amount of such allowance shall be the maximum amount which would be admissible in respect of journeys on tour to a Group 'A' Officer of the Central Government serving in connection with the administration of the State of Goa and shall also be entitled to an advance of travelling allowance when proceeding on tour outside the State of Goa in connection with his duties as a member on the same terms and conditions as are applicable to the grant of an advance to the Group 'A' officer aforesaid in connection with a tour.

Provided that a member shall also be entitled to travelling allowance, at the rate aforesaid for journey made by him for the purpose other than aforesaid, from his usual place of residence to Delhi or any other place within India and for the return journey from such place to his usual place of residence, not more than twice a year.

(2) Notwithstanding anything contained in sub-section (1), a member who performs a journey by road or by air between places connected by rail, whether wholly or in part, may draw the road mileage in place of the travelling allowance which would have been admissible to him if he had travelled by rail or actual air fare for each journey undertaken, as the case may be:

Provided that the total amount of travelling allowance drawn by such member for the entire journey shall not exceed the amount which would

have been admissible to him, had he performed the journey by rail or actual, air fare with respect to journey undertaken, as the case may be.

(3) A member travelling outside the State, either in the capacity of committee member or in any other official capacity, shall be entitled for reimbursement of an amount to the extent of Rs. 6,000/- per day in lieu of his/her accommodation/stay during his/her travel as aforesaid.

Assembly Hall,
Porvorim-Goa.
1st August, 2018.

N. B. SUBHEDAR
Secretary to the Legislative
Assembly of Goa.

LA/LEGN/2018/1092

The following bill which was introduced in the Legislative Assembly of the State of Goa on 2nd August, 2018 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Salaries and Allowances of Ministers (Amendment) Bill, 2018

(Bill No. 18 of 2018)

A

BILL

further to amend the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965).

Be it enacted by the Legislative Assembly of Goa in the Sixty-ninth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Salaries and Allowances of Ministers (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the first day of April, 2018.

2. *Amendment of section 3.*— In section 3 of the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965) (hereinafter referred to as the "principal Act"), after sub-

section (2), the following sub-section shall be inserted, namely:—

“(3) The amount payable as monthly salary and monthly sumptuary allowance under sub-section (1) and (2) respectively, shall be increased from time to time, at the rate arrived after deduction of the rate of dearness allowance as was applicable on the first day of April, 2012 from the rate of dearness allowance, as notified from time to time in terms of the Sixth Central Pay Commission's Recommendations”.

3. *Amendment of section 4.*— In section 4 of the principal Act, after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that, the amount payable as compensatory allowance, shall be increased from time to time, at the rate arrived after deduction of the rate of dearness allowance as was applicable on the first day of April, 2012 from the rate of dearness allowance as notified from time to time in terms of Sixth Central Pay Commission's Recommendations”.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend sections 3 and 4 of the Goa Salaries and Allowances of Ministers Act, 1964 (Act No. 3 of 1965) so as to increase the amount payable as monthly salary, sumptuary allowance and compensatory allowance at the rate arrived after deduction of the rate of dearness allowance as was applicable on the first day of April, 2012 from the rate of dearness allowance as notified from time to time in terms of the Sixth Central Pay Commission's Recommendations, taking into consideration the price index and living standard, which is considerably increasing.

This Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

The additional financial liability on account of the proposed increase in monthly salary,

sumptuary allowance and compensatory allowance of the Ministers would be approximately to the extent of Rs. 57.40 lakhs per annum.

Memorandum Regarding Delegated Legislation

No delegated Legislation is involved in this Bill.

Assembly Hall,
Porvorim, Goa.
2nd August, 2018.

MANOHAR PARRIKAR
Chief Minister.

Assembly Hall,
Porvorim, Goa.
2nd August, 2018.

(N. B. SUBHEDAR)
Secretary to the Legislative
Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa, hereby recommend the introduction and the consideration of the Goa Salaries and Allowances of Ministers (Amendment) Bill, 2018, by the Legislative Assembly of Goa.

(MRIDULA SINHA)
Governor of Goa.

ANNEXURE

Extract of the Goa Salaries and Allowances of Ministers Act, 1964 (Act 3 of 1965)

Section 3

3. *Salary and Sumptuary Allowances.*— (1) There shall be paid to each Minister a monthly salary as laid down below, namely:—

1. Chief Minister	... Rs. 20,000/-
2. Deputy Chief Minister	... Rs. 19,000/-
3. Minister	... Rs. 18,000/-
4. Minister of State/Deputy Minister.	... Rs. 17,000/-

(2) Every Minister shall also be entitled to a monthly sumptuary allowance as laid down below, namely:—

1. Chief Minister	Rs. 25,000/-
2. Deputy Chief Minister	Rs. 20,000/-
3. Minister	Rs. 15,000/-
4. Minister of State/Deputy Minister	Rs. 10,000/-

Section 4

4. *Residence of Ministers.*— Each Minister shall be entitled, without any payment, to the use and maintenance of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and so long as such residence is not provided, to a compensatory allowance of twenty thousand rupees per month and in addition, shall also be entitled, for the purpose of payment to a sum equal to the actual charges of electricity and water in respect of his private residence.

Provided that the Chief Minister shall not be entitled to the compensatory allowance as aforesaid.

Explanation.— For the purpose of this section,—

(i) 'residence' includes the staff quarters and other buildings appurtenant thereto and the garden thereto as is exclusively set apart for use as office at the residence and is used as such; 'maintenance' in relation to a residence includes payment of local rates and taxes and provision of electricity and water, which shall be paid by the Government.

Assembly Hall, N. B. SUBHEDAR
Porvorim, Goa. Secretary to the Legislative
2nd August, 2018. Assembly of Goa.

◆◆◆
Department of Home

Home—General Division

Notification

17/8/2011-HD(G)/DSW/2278

Read: Government Notification No. 17/8/2011-HD(G) dated 18-6-2012 published in

the Official Gazette, Series I No. 14 dated 5th July, 2012.

The Government of Goa is hereby pleased to frame the following scheme so as to amend the Goa grant of monetary incentives to the Goan youth who have joined Armed forces of the Indian Union Scheme, 2012, published vide Notification No. 17/08/2011-HD(G) dated 18-6-2012 in the Official Gazette, Series I No. 14 dated 5th July, 2012 as follows namely:—

1. *Short title and commencement.*— (1) This scheme may be called the Goan grant of Monetary incentive to the Goan youth who have joined Armed Forces of the Indian Union Scheme (First Amendment) Scheme, 2018. It shall come into force from the date of its publication in the Official Gazette.

2. *Amendment of Clause 3.*— In the Goan grant of monetary incentives to the Goan youth who have joined Armed Forces of the Union, Scheme, 2012, in Clause 3,—

(i) in sub-clause (a), for the expression "Rs. 1,00,000/- (Rupees One lakh only)," the expression Rs. 2,00,000/- (Rupees two lakhs only), shall be substituted;

(ii) in sub-clause (b), for the expression of "Rs. 50,000/- (Rupees fifty thousand only)," the expression Rs. 1,00,000/- (Rupees One lakh only), shall be substituted;

(iii) in sub-clause (c), for the expression of "Rs. 25,000/- (Rupees twenty five thousand only)," Rs. 50,000/- (Rupees Fifty thousand only), shall be substituted;

By order and in the name of the Governor of Goa.

Neetal P. Amonkar, Under Secretary (Home).

Porvorim, 26th July, 2018.

Department of Personnel

Notification

1/1/2014-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the existing recruitment rules for the post of Station Officer/Station Fire Officer notified vide Government Notification No. 1/2/82-PER (Part file) dated 10-4-1996, published in the Official Gazette, Extraordinary No. 2, Series I No. 3 dated 18-4-1996, and Government Notification No. 1/14/2005-PER dated 5-10-2017, published in the Official Gazette, Series I No. 30 dated 26-10-2017, the Governor of Goa hereby makes the following rules to regulate the recruitment to Group 'C', Non-Ministerial, Non-Gazetted post in the Directorate of Fire and Emergency Services, Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Directorate of Fire and Emergency Services, Group 'C', Non-Ministerial, Non-Gazetted post, Recruitment Rules, 2018.

(2) They shall apply to the post specified in column (1) of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and the level in the pay matrix.*— The number of posts, classification of the said post and the level in the pay matrix attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts as specified in column (2) of

the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said post, age limit, qualifications and other matters connected therewith shall be as specified in columns (5) to (13) of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where, the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

Isha Khosla, IAS, Special Secretary (Personnel).

Porvorim, 25th July, 2018.

SCHEDULE

Name/ design- ation of the post	Number of posts	Classifi- cation	Level in the Pay Matrix	Whether selection post or non- selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion/ or by deputation/ /transfer/contract and percentage of the vacancies to be filled by various methods	In case of recruit- ment by promotion/ /deputation/ /transfer, grades from which promotion/ /deputation/ /transfer is to be made	If a D.P.C./ /D.S.C. exists, what is its compo- sition	Circum- stances in which the Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Station Fire Officer.	20 (2018) (Subject to variation depen- dent on workload).	Group 'C', Non- -Ministe- rial, Non- -Gazetted.	L-5.	Selec- tion.	N. A.	N. A.	N. A.	Two years.	By promotion.	Promotion: Sub-Officer with five years of regular service in the grade, possessing Sub- Officers Course Certificate of six months duration from the National Fire Service College, Ministry of Home Affairs, Nagpur, failing which, should pass the Station Fire Officers Departmental test.	Group 'C', D.P.C.	N.A.

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